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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CALIFORNIA SPORTFISHING
PROTECTION ALLIANCE,

Plaintiff,

v.

KATHLEEN ALLISON, in her official capacity as
Secretary of the California Department of
Corrections and Rehabilitation,

Defendant.

Case No.

**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

**(Federal Water Pollution Control Act, 33
U.S.C. §§ 1251-1387)**

CALIFORNIA SPORTFISHING PROTECTION ALLIANCE (“CSPA”), by and through
its counsel, hereby alleges:

I. JURISDICTION AND VENUE

1. This is a civil suit brought under the citizen suit enforcement provision of the
Federal Water Pollution Control Act, 33 U.S.C. §§ 1251–1387 (the “Clean Water Act”, the
“CWA” or “the Act”) against Kathleen Allison in her official capacity as Secretary of the
California Department of Corrections and Rehabilitation (“Defendant”). This Court has subject

1 matter jurisdiction over the parties and the subject matter of this action pursuant to Section
2 505(a)(1) of the Act, 33 U.S.C. § 1365(a), and 28 U.S.C. § 1331 (an action arising under the laws
3 of the United States). Specifically, this action arises under Section 505(a)(1)(A) of the Act, 33
4 U.S.C. § 1365(a)(1)(A) (citizen suit to enforce effluent standard or limitation). The relief
5 requested is authorized pursuant to 33 U.S.C. § 1365(a) (injunctive relief), 1319(d) (civil
6 penalties), and 28 U.S.C. §§ 2201–2202 (power to issue declaratory relief in case of actual
7 controversy and further necessary relief based on such a declaration).

8 2. On October 14, 2020, Plaintiff provided written notice to Defendant, via certified
9 mail, of Defendant’s violations of the Act (“Notice Letter”), and of its intention to file suit against
10 Defendant, as required by the Act. *See* 33 U.S.C. § 1365(b)(1)(A); 40 C.F.R. § 135.2(a)(1).
11 Plaintiff mailed a copy of the Notice Letter to the Administrator of the United States
12 Environmental Protection Agency (“EPA”); the Administrator of EPA Region IX; the Executive
13 Director of the State Water Resources Control Board (“State Board”); and the Executive Officer
14 of the Regional Water Quality Control Board, Central Valley Region (“Regional Board”),
15 pursuant to 40 C.F.R. § 135.2(a)(1). A true and correct copy of the Notice Letter is attached
16 hereto as **Exhibit A** and is incorporated by reference.

17 3. More than sixty days have passed since Plaintiff served the Notice Letter on
18 Defendant and the agencies. Plaintiff is informed and believes, and thereupon alleges, that neither
19 the EPA nor the State of California has commenced or is diligently prosecuting a court action to
20 redress the violations alleged in this Complaint.

21 4. Venue is proper in the Eastern District of California pursuant to Section 505(c)(1)
22 of the Act, 33 U.S.C. § 1365(c)(1), because the sources of the violations are located within this
23 District. Venue is also proper under 28 U.S.C. § 1391(b) because a substantial part of the events
24 or omissions giving rise to Plaintiff’s claims occurred in this District. Intra-district venue is
25 proper in Sacramento, California, because the sources of the violations are located within Amador
26 County.

27 **II. INTRODUCTION**

28 5. This Complaint seeks relief for Defendant’s violations of the CWA at the

1 approximately 866-acre Mule Creek State Prison complex located at 4001 Highway 104, in Ione,
2 California (“Facility”). Defendant discharges pollutant-contaminated storm water and non-storm
3 water from the Facility into Mule Creek. Mule Creek is a water of the United States within the
4 meaning of the Clean Water Act. Defendant is in violation of both the substantive and procedural
5 requirements of the CWA. High levels of total coliforms, fecal coliforms, and E. coli – common
6 indicators of sewage contamination – have been documented in Defendant’s discharges to Mule
7 Creek.

8 6. Defendant’s discharges of polluted storm water and non-storm water from the
9 Facility violate Section 301 of the Act, which prohibits the discharge of pollutants to waters of the
10 United States except in compliance with the terms of a National Pollutant Discharge Elimination
11 System (“NPDES”) permit issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342. These
12 violations are ongoing and continuous.

13 7. Defendant’s discharges of polluted storm water from the Facility violate the State
14 of California’s General Permit for Waste Discharge Requirements (“WDR”) for Storm Water
15 Discharges from Small Municipal Separate Storm Sewer Systems (“MS4”), NPDES General
16 Permit No. CAS000004 State Water Resources Control Board Water Quality Order No. 2013-
17 0001-DWQ, as amended by Order WQ 2015-0133-EXEC; Order WQ 2016-0069-EXEC; Order
18 WQ 2017-XXXX-DWQ; Order WQ 2018-0001-EXEC; and, Order WQ 2018-0007-EXEC (“General
19 Permit” or “Permit”). Defendant’s violations of the permitting, filing, monitoring, reporting,
20 discharge and management practice requirements, and other procedural and substantive
21 requirements of the General Permit and the CWA are ongoing and continuous.

22 8. Defendant has violated and continues to violate Section 301(a) of the Act by
23 discharging pollutants from sewage land application areas and via sewage overflows at the
24 Facility without an NPDES permit.

25 9. Storm water pollution is recognized as a significant cause of the continuing decline
26 in water quality of receiving waters. The general consensus among regulatory agencies and water
27 quality specialists is that storm water pollution amounts to more than half the total pollution
28 entering the aquatic environment each year.

1 **III. PARTIES**

2 10. Defendant Kathleen Allison is sued in her official capacity as Secretary of the
3 California Department of Corrections and Rehabilitation (“CDCR”). California Government
4 Code section 12838.7 vests the Secretary of CDCR with the duty to assure CDCR’s compliance
5 with all federal statutes and regulations.

6 11. Plaintiff California Sportfishing Protection Alliance (“CSPA”) is a non-profit
7 public benefit corporation organized under the laws of California, with its main offices in
8 Stockton, California. CSPA is dedicated to the preservation, protection, and defense of the
9 environment, wildlife, and natural resources of California waters, including the waters into which
10 Defendant discharges pollutants. To further its goals, CSPA actively seeks federal and state
11 agency implementation of state and federal water quality laws, including the CWA, and directly
12 initiates enforcement actions on behalf of itself and its members as necessary.

13 12. Members of CSPA—including citizens, taxpayers, property owners, and
14 residents—live, work, travel, and recreate on and near Mule Creek, into which Defendant causes
15 pollutants to be discharged. These members of CSPA use and enjoy Mule Creek for recreational,
16 educational, scientific, conservation, aesthetic, and spiritual purposes. Defendant’s discharges of
17 pollutants impair each of those uses. Thus, the interests of CSPA’s members have been, are
18 being, and will continue to be adversely affected by Defendant’s failure to comply with the CWA
19 and the General Permit.

20 13. Members of CSPA reside in California and use and enjoy California’s numerous
21 rivers for recreation and other activities. Members of CSPA use and enjoy the Mule Creek, into
22 which Defendant has caused, are causing, and will continue to cause, pollutants to be discharged.
23 Members of CSPA use these areas to hike, fish, boat, kayak, swim, bird watch, view wildlife, and
24 engage in scientific study, including monitoring activities, among other things. Defendant’s
25 discharges of pollutants threaten or impair each of those uses or contribute to such threats and
26 impairments. Thus, the interests of CSPA’s members have been, are being, and will continue to
27 be adversely affected by Defendant’s ongoing failure to comply with the CWA. The relief sought
28 herein will redress the harms to Plaintiff caused by Defendant’s activities because that relief will

significantly reduce pollution discharged from Defendant's Facility into Mule Creek.

14. Continuing commission of the acts and omissions alleged herein will irreparably harm Plaintiff and the citizens of the State of California, for which harm they have no plain, speedy or adequate remedy at law.

IV. LEGAL BACKGROUND

A. Clean Water Act

15. Congress enacted the CWA to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." 33 U.S.C. § 1251(a). The CWA establishes an "interim goal of water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water" 33 U.S.C. § 1251(a)(2). To these ends, Congress developed both a water quality-based and a technology-based approach to regulating discharges of pollutants from point sources into waters of the United States.

16. Section 301(a) of the Act, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant from a point source into waters of the United States, unless such discharge complies with various enumerated sections of the Act. Among other things, Section 301(a) prohibits discharges not in conformance with a NPDES permit, such as discharges without a NPDES permit or discharges that violate the terms of a NPDES permit issued pursuant to Section 402 of the Act (33 U.S.C. §1342).

17. The term "discharge of pollutants" means "any addition of any pollutant to navigable waters from any point source." 33 U.S.C. § 1362(12). Pollutants are defined to include, among other examples, industrial waste, chemical wastes, biological materials, heat, rock, and sand discharged into water. 33 U.S.C. § 1362(6).

18. A "point source" is defined as "any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, [or] conduit . . . from which pollutants are or may be discharged." 33 U.S.C. § 1362(14).

19. "Navigable waters" means "the waters of the United States." 33 U.S.C. § 1362(7). Waters of the United States includes, among other things, waters that are, were, or are susceptible to use in interstate commerce and tributaries to such waters. 40 C.F.R. § 230.3 (2015). Section

402 of the Act, 33 U.S.C. § 1342, establishes the NPDES program—a permitting program that regulates the discharge of pollutants into waters of the United States. Section 402(p) establishes a framework for regulating municipal and industrial storm water discharges under the NPDES program. 33 U.S.C. § 1342(p). The CWA requires states to promulgate water quality standards. *See* 33 U.S.C. §§ 1313(a)-(c). Water quality standards consist of both “designated uses” for a body of water and a set of “criteria” specifying the maximum concentration of pollutants that may be present in the water without impairing its suitability for its designated uses. 33 U.S.C. § 1313(c)(2)(A). The CWA requires states to assess whether these water quality standards are being met.

20. Section 505(a)(1) provides for citizen enforcement actions against any “person,” including individuals, corporations, or partnerships, 33 U.S.C. § 1362(5), for violations of NPDES permit requirements and for unpermitted discharges of pollutants. 33 U.S.C. §1365(a)(1) (authorizing actions against any person alleged to be in violation of an effluent standard or limitation); 33 U.S.C. § 1365(f) (defining “effluent limitation” broadly to include “a permit or condition thereof issued under [Section 402] of this title,” and “any unlawful act under subsection (a) of [Section 301] of this title”).

21. An action for injunctive relief under the Act is authorized by 33 U.S.C. § 1365(a).

B. The General Permit

22. On December 8, 1999, U.S. EPA promulgated Phase II storm water regulations under authority of the Clean Water Act section 402(p)(6). The Phase II storm water regulations require the State Board to issue NPDES storm water permits to operators of Small MS4s.

23. Operators of Small MS4s must obtain a NPDES permit in order to discharge storm water. 33 U.S.C. 1342(p)(6).

24. Small MS4s are defined as those not defined as “large” or “medium” MS4s under 40 C.F.R. §§ 122.26(b)(4) or (b)(7) or designated under 40 C.F.R. § 122.26(a)(1)(v).

25. Small MS4s include prison complexes, and are considered “Non-traditional” Small MS4s. 40 C.F.R. § 122.26(b)(16)(iii).

26. On April 30, 2003, the State Board first adopted the General Permit to authorize and

1 regulate storm water discharges from Small MS4s.

2 27. Small Non-traditional MS4s that are subject to the General Permit must strictly
3 comply with its requirements.

4 28. The General Permit includes discharge prohibitions (Section B), effluent limitations
5 (Section C), and receiving water limitations (Section D).

6 29. Discharge Prohibition 1 prohibits discharges of waste from the MS4 that are
7 prohibited by Statewide Water Quality Control Plans or applicable Regional Water Quality Control
8 Plans (Basin Plans). General Permit, Section B.1.

9 30. Discharge Prohibition 2 prohibits the discharge of storm water from an MS4 to waters
10 of the U.S. in a manner causing or threatening to cause a condition of pollution or nuisance as defined
11 in Water Code § 13050. General Permit, Section B.2.

12 31. Discharge Prohibition 3 further prohibits the discharge of liquids or materials other
13 than storm water to waters of the United States unless authorized by another NPDES permit. General
14 Permit, Section B.3.

15 32. The General Permit imposes technology-based effluent limitations, which require
16 permittees to implement Best Management Practices (“BMPs”) that reduce or eliminate the discharge
17 of pollutants to waters of the United States to the maximum extent practicable. General Permit,
18 Section C.1.

19 33. The General Permit’s receiving water limitations prohibit discharges from MS4s
20 that cause or contribute to an exceedance of water quality standards contained in a Statewide Water
21 Quality Control Plan, the California Toxics Rule (“CTR”) or in the applicable Regional Water Board
22 Basin Plan. General Permit, Section D.

23 34. Mule Creek is part of the Cosumnes River Hydrologic Unit No. 531. The San
24 Joaquin/Sacramento Delta Basin Plan sets forth the following beneficial uses for Hydrologic Unit 531:
25 MUN, AGR, PROC, REC-1, REC-2, WARM, COLD, MIGR, SPWN, and WILD. The Basin Plan
26 sets forth the following applicable water quality objectives:

- 27 a. **Bacteria** – in waters designated for contact recreation (REC-1), the fecal coliform
28 concentration based on a minimum of not less than five samples for any 30-day period

1 shall not exceed a geometric mean of 200/100 ml, nor shall more than ten percent of
2 the total number of samples taken during any 30-day period exceed 400/100 ml;

- 3 b. **Chemical Constituents** – At a minimum, water designated for use as domestic or
4 municipal supply (MUN) shall not contain concentrations of chemical constituents in
5 excess of the maximum contaminant levels specific in the following provisions of
6 Title 22 of the California Code of Regulations, which are incorporated by reference
7 into the Basin Plan: Tables 64431-A (Inorganic Chemicals) and 64431-B (Fluoride) of
8 Section 64431, Table 64444-A (Organic Chemicals) of Section 64444, and Tables
9 64449-A (Secondary Maximum Contaminant Levels-Consumer Acceptance Limits)
10 and 64449-B (Secondary Maximum Contaminant Levels-Ranges) of Section 64449.
11 This incorporation-by-reference is prospective, including future changes to the
12 incorporated provisions as the changes take effect. At a minimum, water designated
13 for use as domestic or municipal supply (MUN) shall not contain lead in excess of
14 0.015 mg/l;
- 15 c. **Color** – Water shall be free of discoloration that causes nuisance or adversely affects
16 beneficial uses;
- 17 d. **Floating Material** – Water shall not contain floating material in amounts that cause
18 nuisance or adversely affect beneficial uses;
- 19 e. **Tastes and Odors** – Water shall not contain taste- or odor-producing substances in
20 concentrations that impart undesirable tastes or odors to domestic or municipal water
21 supplies or to fish flesh or other edible products of aquatic origin, or that cause
22 nuisance, or otherwise adversely affect beneficial uses;
- 23 f. **Temperature** – The natural receiving water temperature of intrastate waters shall not
24 be altered unless it can be demonstrated to the satisfaction of the Regional Water
25 Board that such alteration in temperature does not adversely affect beneficial uses. At
26 no time or place shall the temperature of COLD or WARM intrastate waters be
27 increased more than 5°F above natural receiving water temperature;
- 28 g. **Toxicity** – All waters shall be maintained free of toxic substances in concentrations

that produce detrimental physiological responses in human, plant, animal, or aquatic life; and,

- h. **Turbidity** - Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses.

V. STATEMENT OF FACTS

A. The Facility

35. CDCR owns and operates the Facility, an approximately 866-acre prison complex located in Ione, California, which houses approximately 4,000 inmates and employs about 1,400 staff.

36. The Facility opened in 1987 and since that time has been under the jurisdiction and control of CDCR.

37. In 2016, CDCR expanded the prison complex with the construction of the Mule Creek Infill Complex.

B. The Facility's MS4 and Stormwater Discharges

38. The Facility owns and operates an MS4 that collects storm water at the Facility and discharges to Mule Creek.

39. The Facility's MS4 is considered a non-traditional small MS4 pursuant to 40 C.F.R. § 122.26(b).

40. Defendant was required to obtain coverage for the Facility's storm water discharges under the General Permit beginning on April 30, 2003 when the State Water Board first adopted the General Permit to comply with Clean Water Act section 402(p)(6).

41. Defendant did not obtain coverage for the Facility's storm water discharges under the General Permit until April 9, 2019.

42. Between October 14, 2015 and April 8, 2019, the Facility did not have any NPDES permit authorizing discharges of storm water to Mule Creek.

C. The Facility's Wastewater Treatment Plant and Collection System

43. The Facility also includes a wastewater treatment plant, which is regulated by Regional Board Order R5-2015-0129.

1 44. The treatment plant receives and treats wastewater from the prison complex and from
2 industrial activities at the Facility.

3 45. The primary industrial activities at the Facility include meat packing operations,
4 laundry service, coffee roasting and packing, and textile manufacturing.¹

5 46. The Facility has a separate sanitary sewer collection system (“Collection System”)
6 to transport wastewater to the treatment plant.

7 47. Once wastewater is treated at the treatment plant, it is disposed of in land
8 application areas (“LAAs”) at the Facility or in an off-site reservoir.

9 48. The Facility is not permitted to discharge wastewater from the treatment plan to
10 Mule Creek.

11 **D. Reports and Investigation of Polluted Discharges from the Facility’s MS4**

12 49. In December 2017, Regional Board staff received a complaint regarding illegal
13 discharge of liquid from the Facility directly into the perimeter storm water conveyance system,
14 part of the Facility’s storm water sewer system, and which discharges into Mule Creek.

15 50. The complainant stated that discharges from the Facility varied but occurred during
16 every one of their numerous observations since August 2017. The complainant described liquid being
17 discharged as varying between clear and jet black, sometimes with solids, and sometimes steaming
18 hot. The complainant observed these discharges in both the wet and dry season, and independent of
19 rain events or irrigation activities.

20 51. Regional Board staff inspected the Facility on January 4, 2018 and determined that the
21 likely source of the water described in the December 2017 complaint was from the Collection
22 System to the MS4.

23 52. During the January 4, 2018 inspection Regional Board staff collected a sample from a
24 lateral drain pipe from the Collection System, and observed - and sampled - water discharging from

25 ¹ The Facility was required to obtain coverage under the General Permit for Storm Water Discharges
26 Associated With Industrial Activities, Order 2014-0057-DWQ (NPDES CAS000001) (“Industrial
27 Permit”) for any stormwater discharges from these industrial areas. Defendant failed to obtain
28 Industrial Permit coverage until a No Exposure Certificate (“NEC”) was submitted to the Regional
Board on or about May 8, 2018.

1 the common collection sump, through the culvert and unlined ditch and into Mule Creek.

2 53. In addition to other constituents commonly found in sewage, the two samples
3 collected from the MS4 on January 4, 2018 reported levels of Total Coliforms, E. Coli, and Fecal
4 Coliforms over 1600 MPN/100ml, which significantly exceed applicable water quality objectives.

5 54. After the January 4, 2018 site inspection, the Regional Board required Defendant to
6 further investigate and address the polluted discharges from the Facility's MS4 by preparing an
7 Interim Disposal Plan, a Storm Water Collection System Investigation Workplan, and a Storm Water
8 Collection System Investigation Findings Report.

9 55. Defendant's Interim Disposal Plan was to contain all water within the MS4 and divert
10 that water to the wastewater treatment plant; however, this plan caused flooding at the Facility, and
11 was abandoned in favor of an unapproved revision to the Interim Disposal Plan, which resulted in the
12 Facility discharging pollutants from its MS4 to Mule Creek during rain events of more than 0.1 inches
13 in an hour or 0.3 inches in a 24-hour period.

14 56. Defendant's Revised Stormwater Collection System Investigation Report of Findings
15 discovered over 500 defects in the MS4 and Collection System, ranging from minor corrosion to
16 broken/collapsed pipes, fully separated joints, deformations, compromised seals, failed previous
17 repairs, and large hole, cracks, or breaks where soil is visible.

18 57. The investigation did not include pipes less than six inches in diameter.

19 58. Regional Board staff reviewed portions of the closed-circuit television footage from
20 Defendant's investigation and observed areas where water is leaking into both the MS4 and the
21 Collection System.

22 59. Regional Board staff also observed that the Collection System is constructed in close
23 physical proximity to the MS4, in certain places, and pipes in the Collection System are often situated
24 above the pipes in the MS4.

25 60. Regional Board staff concluded that the defects and layout of the two systems are clear
26 indicators that the Collection System is a conduit for indirect cross connection between the two
27 systems.

28 61. Defects in the Facility's Collection System cause untreated sewage to flow into the

Facility's MS4 and to discharge untreated to Mule Creek, even in dry weather.

62. The defects in the Collection System cause untreated sewage to commingle with storm water and discharge into Mule Creek, during every precipitation event that results in 0.1 inches of rainfall over a 1-hour period, or 0.3 inches of rainfall over a 24-hour period ("Significant Rain Event").

63. In addition to discharges of untreated sewage related to Significant Storm Events, the Facility's sanitary sewer system and separate storm water sewer system are in such disrepair that the Facility often discharges untreated sewage during periods of dry weather.

64. The discharges described above are not authorized under any NPDES permit.

E. Discharges from the LAAs to Mule Creek

65. Defendant disposes of wastewater from its wastewater treatment plant into several Land Application Areas ("LAA") at the Facility. Several of these LAAs are directly adjacent to Mule Creek.

66. These discharges to LAAs are subject to California Regional Water Quality Control Board Central Valley Region, Waste Discharge Requirements Order R5-2015-0129.

67. Order R5-2015-0129 does not authorize Defendant to discharge its wastewater to Mule Creek.

68. Wastewater from the wastewater treatment plant contains pollutants, including, but not limited to, volatile organic compounds, biological oxygen demand, dissolved solids, chloride, sodium, nitrogen, and coliform.

69. As a result of mismanagement or improper operation, wastewater sprayed into the LAAs discharges into Mule Creek.

70. The August 13, 2020 Inspection Report prepared by Regional Board staff noted deeply ponded water, as well as broken down toilet paper and sanitary wipes, in and along Mule Creek at the downstream border of the Facility.

71. Regional Board staff concluded that the pollutants were not from a recent sewage spill but rather were a result of runoff from the LAAs.

72. Defendant has not and is not properly managing the LAAs. During dry months,

1 vegetation is dry or sparse in many locations, and lush and green in small patches. The LAAs are
2 underutilized and inconsistently irrigated.

3 73. Uneven irrigation and poor vegetation management decreases disposal capacity and
4 causes runoff or seepage into Mule Creek.

5 74. On July 25, 2019, Regional Board staff documented stagnant water in Mule Creek
6 downstream of the LAAs, even though the Creek was dry upstream and even though there had been
7 several months of hot, dry weather.

8 75. The LAAs discharging water into Mule Creek are “point sources” under the Clean
9 Water Act.

10 76. The discharges of polluted wastewater from the LAAs into Mule Creek are not
11 authorized by an NPDES permit.

12 **F. Sanitary Sewer Overflows**

13 77. The Facility periodically experiences discharges of raw sewage from its Collection
14 System, which reach Mule Creek.

15 78. These sanitary sewer overflows (“SSOs”) are not authorized by an NPDES permit.

16 79. Defendant has unlawfully discharged at least three SSOs into Mule Creek in the past
17 five years; each unlawful SSO is identified by the following SSO Event ID numbers and dates of
18 discharge: 868429 (August 10, 2020); 856123 (February 14, 2019); 846261 (April 6, 2018).

19 **VI. CLAIMS FOR RELIEF**

20 **FIRST CLAIM FOR RELIEF**

21 **Defendant Discharges Pollutants Without a Permit** 22 **in Violation of the Clean Water Act** 23 **(Violations of the Act, 33 U.S.C. § 1311)**

24 80. Plaintiff incorporates the allegations contained in the above paragraphs as though
25 fully set forth herein.

26 81. Defendant’s inability to prevent sewage from commingling with the Facility’s MS4
27 means that during each rain event, pollutants from sewage are added to storm water.

28 82. From October 14, 2015 – the beginning of the five-year statute of limitations – to

1 April 9, 2019, Defendant violated section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a)
2 during every Significant Rain Event because the Facility discharged storm water contaminated by
3 sewage containing pollutants to Mule Creek without an NPDES permit authorizing such
4 discharges.

5 83. Though Defendant obtained coverage under the General Permit on April 9, 2019,
6 the General Permit does not authorize the discharge of storm water contaminated by sewage.

7 84. Therefore, Defendant has violated, and will continue to violate, section 301(a) of
8 the Clean Water Act, 33 U.S.C. § 1311(a) during every Significant Rain Event because the
9 Facility discharged, and will continue to discharge, storm water contaminated by sewage
10 containing pollutants to Mule Creek without an NPDES permit authorizing such discharges.
11 These violations are ongoing and continuous.

12 85. Each day that Defendant has discharged storm water contaminated by sewage is a
13 separate and distinct violation of Section 301(a) of the Act, 33 U.S.C. § 1311(a).

14 86. Defendant's sanitary sewer system and separate storm water sewer system are in such
15 disrepair that the Facility often discharges untreated sewage during periods of dry weather.

16 87. These discharges are not authorized by an NPDES Permit and therefore violate section
17 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a). These violations are ongoing and continuous.

18 88. Each day that Defendant has discharged untreated sewage from the Facility's MS4
19 into Mule Creek is a separate and distinct violation of Section 301(a) of the Act, 33 U.S.C. § 1311(a).

20 89. Defendant regularly discharges pollutants from LAAs into Mule Creek.

21 90. Discharges of pollutants from LAAs at the Facility into Mule Creek are not authorized
22 by an NPDES permit.

23 91. Defendant has violated, and will continue to violate, section 301(a) of the Clean Water
24 Act, 33 U.S.C. 1311(a) every time the Facility discharges pollutants from the LAAs at the Facility to
25 Mule Creek without a permit. These violations are ongoing and continuous and will continue each
26 time contaminated water is discharged from the LAAs into Mule Creek without a permit.

27 92. Defendant has violated section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a)
28 every time an SSO has discharged to Mule Creek.

1 93. These violations are ongoing and will continue each time contaminated water is
2 discharged from the sanitary sewer system into Mule Creek without a permit, in violation of Section
3 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a).

4 **SECOND CLAIM FOR RELIEF**

5 **Defendant Discharges Storm Water Containing Pollutants in Violation of the General**
6 **Permit's Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations**
7 **(Violations of Permit Conditions and the Act, 33 U.S.C. §§ 1311, 1342)**

8 94. Plaintiff incorporates the allegations contained in the above paragraphs as though
9 fully set forth herein.

10 95. Defendant discharges liquids or materials other than storm water from the
11 Facility's MS4 in violation of Section B.3 of the General Permit.

12 96. Defects in the Facility's Collection System and in the Facility's MS4 cause
13 untreated sewage to flow into the Facility's MS4 and to discharge to Mule Creek.

14 97. Each time liquids or materials other than storm water have discharged from the
15 Facility and into Mule Creek between April 9, 2019 and the present is a violation of Section B.3
16 of the General Permit.

17 98. Defects in the Collection System and MS4 cause untreated sewage to commingle
18 with storm water and to discharge into Mule Creek during every Significant Rain Event.

19 99. The commingled discharges of sewage and storm water cause or threaten to cause
20 pollution or nuisance in Mule Creek in violation of General Permit, Sections B.1 and B.2.

21 100. Defendant has violated, and will continue to violate, Sections B.1 and B.2 every
22 day the Facility experienced a Significant Rain Event since April 9, 2019.

23 101. Defendant has violated, and will continue to violate, Sections B.1 and B.2 every
24 day the Facility's MS4 discharges untreated sewage from the Collection System into Mule Creek
25 since April 9, 2019.

26 102. Each day that Defendant has discharged pollutants from the Facility in violation of
27 section B.1 of the General Permit is a separate and distinct violation of Section 301(a) of the Act,
28 33 U.S.C. § 1311(a). These violations are ongoing and continuous.

1 103. Each day that Defendant has discharged pollutants from the Facility in violation of
2 section B.2 of the General Permit is a separate and distinct violation of Section 301(a) of the Act,
3 33 U.S.C. § 1311(a). These violations are ongoing and continuous.

4 104. Each day that Defendant has discharged pollutants from the Facility in violation of
5 section B.3 of the General Permit is a separate and distinct violation of Section 301(a) of the Act,
6 33 U.S.C. § 1311(a). These violations are ongoing and continuous.

7 105. The General Permit requires dischargers to implement BMPs to reduce the discharge
8 of pollutants from their MS4s to waters of the United States to the maximum extent practicable.
9 General Permit, Section C.1.

10 106. Defendant has failed to implement BMPs sufficient to prevent the commingling of
11 sewage and storm water within its MS4, and therefore the Facility has failed to reduce discharges of
12 pollutants to Mule Creek to the maximum extent practicable.

13 107. Defendant has violated, and will continue to violate, Section C.1 every day that the
14 Facility has not implemented BMPs at the Facility that prevent the commingling of sewage and
15 storm water since April 9, 2019.

16 108. Each day that Defendant has violated section C.1 of the General Permit is a
17 separate and distinct violation of Section 301(a) of the Act, 33 U.S.C. § 1311(a). These violations
18 are ongoing and continuous.

19 109. The General Permit prohibits discharges from MS4s that cause or contribute to an
20 exceedance of water quality standards contained in the applicable Regional Water Board Basin Plan.
21 General Permit, Section D.

22 110. Sampling indicates that Defendant's storm water discharges greatly exceed water
23 quality objectives for Total Coliforms, E. Coli, and Fecal Coliforms.

24 111. The Facility has violated, and continues to violate, Section D of the General Permit
25 every time a Significant Rain Event has occurred, or occurs, at the Facility between April 9, 2019 and
26 the present because the Facility's storm water discharges cause or contribute to exceedances of water
27 quality standards.

28 112. These violations are ongoing and will continue each time contaminated water is

discharged from the storm water sewer system into Mule Creek, in violation of Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a).

VII. RELIEF REQUESTED

Wherefore, CSPA respectfully requests that this Court grant the following relief:

a. Declare Defendant to have violated and to be in violation of CWA section 301(a), 33 U.S.C. § 1311(a), for discharging pollutants from the Facility not in compliance with a permit issued pursuant to CWA Section 402, 33 U.S.C. § 1342, and for failing to comply with all substantive and procedural requirements of the General Permit and the Clean Water Act as alleged herein;

b. Enjoin Defendant from discharging pollutants from the Facility and to the surface waters surrounding and downstream from the Facility in violation of the General Permit and the Clean Water Act;

c. Enjoin Defendant from further violating the substantive and procedural requirements of the General Permit and the Clean Water Act;

d. Order Defendant to take appropriate actions to restore the quality of navigable waters impaired by their activities;

e. Award Plaintiff's costs and fees (including reasonable attorney, witness, and consultant fees) as authorized by the Act, 33 U.S.C. § 1365(d); and,

f. Award any such other and further relief as this Court may deem appropriate.

Dated: December 15, 2020

Respectfully Submitted,

LAW OFFICES OF ANDREW L. PACKARD

By: /s/ William N. Carlon

William N. Carlon
Attorney for Plaintiff
CALIFORNIA SPORTFISHING
PROTECTION ALLIANCE

EXHIBIT A

LAW OFFICES OF

ANDREW L. PACKARD

245 KENTUCKY STREET, SUITE B3, PETALUMA, CA 94952

PHONE (707) 782-4060 FAX (707) 782-4062

INFO@PACKARDLAWOFFICES.COM

October 14, 2020

VIA CERTIFIED MAIL

Patrick Covello, Acting Warden
California Department of Corrections and
Rehabilitation
Mule Creek State Prison
P.O. Box 409099
Ione, CA 95640

Kathleen Allison, Secretary
California Department of Corrections and
Rehabilitation
1515 South Street, #101n
Sacramento, CA 95811

**Re: NOTICE OF VIOLATIONS AND INTENT TO FILE SUIT UNDER THE
FEDERAL WATER POLLUTION CONTROL ACT (“CLEAN WATER ACT”)
(33 U.S.C. §§ 1251 *et seq.*)**

Dear Patrick Covello and Kathleen Allison:

This firm represents California Sportfishing Protection Alliance (“CSPA”) in regard to violations of the Clean Water Act (“the Act”) occurring at Mule Creek State Prison located at 4001 Highway 104, in Ione, California (the “Facility”). This letter is being sent to you as the responsible owners, officers and/or operators of the Facility. Unless otherwise noted, California Department of Corrections and Rehabilitation, Mule Creek State Prison, Patrick Covello, and Kathleen Allison shall hereinafter be collectively referred to as “MCSP.” The purpose of this letter is to provide MCSP with notice of the violations of the Act occurring at the Facility. First, MCSP has violated and continues to violate National Pollutant Discharge Elimination System (“NPDES”) General Permit for Waste Discharge Requirements (“WDR”) for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (“MS4”), including, but not limited to, discharges of raw sewage and storm water contaminated by raw sewage from the Facility into local surface waters. Second, MCSP has violated and continues to violate the Act by discharging pollutants from land application areas and via sewage overflows without an NPDES permit, in violation of Section 301(a) of the Act.

MCSP is in ongoing violation of the substantive and procedural requirements of the Clean Water Act, 33 U.S.C. § 1251 *et seq.*, and NPDES General Permit No. CAS000004 State Water Resources Control Board Water Quality Order No. 2013-0001-DWQ, as amended by Order WQ 2015-0133-EXEC; Order WQ 2016-0069-EXEC; Order WQ 2017-XXXX-DWQ;

Order WQ 2018-0001-EXEC; and, Order WQ 2018-0007-EXEC (“General Permit” or “Permit”).¹

CSPA will seek injunctive relief preventing further violations of the Act pursuant to Sections 505(a) and (d) (33 U.S.C. § 1365(a) and (d)) and such other relief as permitted by law. Lastly, Section 505(d) of the Act (33 U.S.C. § 1365(d)) permits prevailing parties to recover costs and fees, including attorneys’ fees.

The Clean Water Act requires that sixty (60) days prior to the initiation of a citizen-enforcement action under Section 505(a) of the Act (33 U.S.C. § 1365(a)), a citizen enforcer must give notice of its intent to file suit. Notice must be given to the alleged violator, the U.S. Environmental Protection Agency, and the Chief Administrative Officer of the water pollution control agency for the State in which the violations occur. *See* 40 C.F.R. § 135.2. As required by the Act, this letter provides statutory notice of the violations that have occurred, and continue to occur, at the Facility. 40 C.F.R. § 135.3(a). At the expiration of sixty (60) days from the date of this letter, CSPA intends to file suit under Section 505(a) of the Act in federal court against MCSP for violations of the Clean Water Act and the Permit.

I. Background

A. California Sportfishing Protection Alliance

CSPA is a non-profit corporation dedicated to the preservation, protection and defense of the environment, wildlife and natural resources of California waters, including the waters into which MCSP discharges pollutants. Members of CSPA enjoy the waters that the Facility discharges into, including Mule Creek, which is tributary to Dry Creek, which flows into the Cosumnes River. Members of CSPA use and enjoy these waters for their fishing, estuarine habitat and the rare, threatened and endangered species it supports, the wildlife habitat, marine habitat, and other designated beneficial uses. The discharge of pollutants from the Facility impairs each of these uses. Discharges in violation of the Clean Water Act from the Facility are ongoing and continuous. Thus, the interests of CSPA’s members have been, are being, and will continue to be adversely affected by MCSP’s failure to comply with the Clean Water Act and the General Permit.

B. The Clean Water Act

Congress enacted the CWA in 1972 in order to “restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.” 33 U.S.C. § 1251. The Act prohibits the discharge of pollutants into United States waters except as authorized by the statute. 33 U.S.C. § 1311; *San Francisco Baykeeper, Inc. v. Tosco Corp.*, 309 F.3d 1153, 1156 (9th Cir. 2002). The Act is administered largely through the NPDES permit program. 33 U.S.C. § 1342.

¹ MCSP submitted a Notice of Intent (“NOI”) to comply with the General Permit for the Facility on or about April 9, 2019. The Facility’s Waste Discharge Identification number is 5S03M2000307.

In 1987, the Act was amended to establish a framework for regulating storm water discharges through the NPDES system. Water Quality Act of 1987, Pub. L. 100-4, § 405, 101 Stat. 7, 69 (1987) (codified at 33 U.S.C. § 1342(p)); *see also Env'tl. Def. Ctr., Inc. v. EPA*, 344 F.3d 832, 840-41 (9th Cir. 2003) (describing the problem of storm water runoff and summarizing the Clean Water Act's permitting scheme). The discharge of pollutants without an NPDES permit, or in violation of a permit, is illegal. *Ecological Rights Found. v. Pacific Lumber Co.*, 230 F.3d 1141, 1145 (9th Cir. 2000).

Much of the responsibility for administering the NPDES permitting system has been delegated to the states. *See* 33 U.S.C. § 1342(b); *see also* Cal. Water Code § 13370 (expressing California's intent to implement its own NPDES permit program). The CWA authorizes states with approved NPDES permit programs to regulate industrial storm water discharges through individual permits issued to dischargers and/or through the issuance of a single, statewide general permit applicable to all industrial storm water dischargers. 33 U.S.C. § 1342(b). Pursuant to Section 402 of the Act, the Administrator of EPA has authorized California's State Board to issue individual and general NPDES permits in California. 33 U.S.C. § 1342.

C. California's General Permit for Small Municipal Separate Storm Sewer Systems.

On December 8, 1999, U.S. EPA promulgated Phase II storm water regulations under authority of the Clean Water Act section 402(p)(6). The Phase II storm water regulations require the State Water Board to issue NPDES storm water permits to operators of Small MS4s. Small MS4s are defined as those not defined as "large" or "medium" MS4s under 40 C.F.R. §§ 122.26(b)(4) or (b)(7) or designated under 40 C.F.R. § 122.26(a)(1)(v). Small MS4s include prison complexes, and are considered "Non-traditional" Small MS4s. 40 C.F.R. § 122.26(b)(16)(iii). On April 30, 2003, the State Water Board first adopted the General Permit to comply with Clean Water Act section 402(p)(6).

The General Permit imposes effluent limitations in the form of technical controls to reduce pollutants from the MS4 to the maximum extent practicable, which requires permittees to apply Best Management Practices ("BMPs") that are effective in reducing or eliminating the discharge of pollutants to waters of the United States. The General Permit also includes receiving water limitations and discharge prohibitions – including a prohibition against non-storm water discharges that do not fall under certain exemptions. General Permit, Sections B and D. Small Non-traditional MS4s that are subject to the General Permit must strictly comply with its requirements.

D. MCSP's Facility

Information available to CSPA indicates that MCSP owns and operates an approximately 866-acre prison complex that houses approximately 4,000 inmates and employs about 1,400 staff. Mule Creek State Prison opened in 1987, and since that time has been under the jurisdiction and control of CDCR. In 2016, MCSP expanded the prison complex with the construction of the Mule Creek Infill Complex.

The Facility also includes a wastewater treatment plant, which is regulated by the Central Valley Regional Water Quality Control Board (“Regional Board”) WDR Order R5-2015-0129. The treatment plant receives both domestic and industrial wastewaters from the Facility. The industrial activities at the Facility include meat packing operations, laundry service, coffee roasting and packing, and textile manufacturing. These industrial activities require the Facility to obtain coverage under the General Permit for Discharges Associated With Industrial Activities, Order 2014-0057-DWQ (NPDES CAS000001) (“Industrial Permit”). MCSP failed to obtain Industrial Permit coverage until a No Exposure Certificate (“NEC”) was submitted to the Regional Board on or about May 8, 2018.

II. MCSP’s Violations of the Act and Permit

Based on its review of available public documents, CSPA is informed and believes that MCSP is in ongoing violation of both the substantive and procedural requirements of the CWA and the General Permit. These violations are ongoing and continuous. CSPA will seek prospective injunctive relief remedying the numerous violations identified below.

A. MCSP Discharges Pollutants Without a Permit in Violation of the Clean Water Act

MCSP first obtained NPDES permit coverage on or about April 9, 2019 when it submitted its application for coverage under the General Permit. MCSP also obtained an NEC for its industrial operations under the Industrial Permit on or about May 8, 2018. However, MCSP has no other NPDES permit that covers discharges of pollutants from the Facility, and did not have *any* NPDES permit coverage prior to May 8, 2018. Neither the Industrial Permit nor the General Permit authorize MCSP’s discharges of commingled sewage and storm water to Mule Creek.

The Facility’s inability to prevent sewage from commingling with the separate storm water sewer system means that during each rain event, pollutants from sewage are added to storm water. From October 14, 2015 – the beginning of the five-year statute of limitations – to April 9, 2019, MCSP violated section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a) during every Significant Rain Event, as defined below, because the Facility discharged storm water contaminated by sewage to Mule Creek without an NPDES permit authorizing such discharges.

B. MCSP Discharges Storm Water Containing Pollutants in Violation of the General Permit’s Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations

MCSP’s storm water sampling results provide conclusive evidence of MCSP’s failure to comply with the General Permit’s discharge prohibitions, effluent limitations, and receiving water limitations. Self-monitoring reports are deemed “conclusive evidence of an exceedance of a permit limitation.” *Sierra Club v. Union Oil*, 813 F.2d 1480, 1493 (9th Cir. 1988). The Regional Board has also conducted sampling of discharges from the Facility, which provide

further conclusive evidence of MCSP's failure to comply with the General Permit's discharge prohibitions, effluent limitations, and receiving water limitations.

1. Discharge Prohibitions

The General Permit prohibits discharges of waste from the MS4 that are prohibited by Statewide Water Quality Control Plans or applicable Regional Water Quality Control Plans (Basin Plans). General Permit, Section B.1. The General Permit also prohibits the discharge of storm water from an MS4 to waters of the U.S. in a manner causing or threatening to cause a condition of pollution or nuisance as defined in Water Code § 13050. General Permit, Section B.2. The General Permit further prohibits the discharge of liquids or materials other than storm water to waters of the United States unless authorized by another NPDES permit. General Permit, Section B.3.

Information available to CSPA indicates that MCSP discharges liquids or materials other than storm water from the Facility in violation of Section B.3 of the General Permit. In December of 2017, Regional Board staff received a complaint regarding illegal discharge of liquid from the Facility directly into the perimeter storm water conveyance system which discharges into Mule Creek. The complainant stated that discharge flows from the Facility varied, but occurred during every one of their numerous observations since August 2017. The complainant described liquid being discharged as varying between clear and jet black, sometimes with solids, and sometimes steaming hot. The complainant observed these discharges in both the wet and dry season, and independent of rain events or irrigation activities. Regional Board staff believes the discharges were non-storm water. *See* Draft Settlement & ACL Order R5-2020-xxxx, at paragraphs 5 and 6.

Regional Board staff inspected the Facility on January 4, 2018 and "determined that the likely source of the water described in the complaint as discharging into the perimeter storm water conveyance system was from stormwater laterals discharging from the conveyance system." *Id.* at 7. During this inspection Regional Board staff collected a sample from a lateral drain pipe, and observed - and sampled - water discharging from the common collection sump, through the culvert and unlined ditch and into Mule Creek. *Id.* at 8. In addition to other constituents commonly found in sewage, the two samples collected on January 4, 2018 reported levels of Total Coliforms, E. Coli, and Fecal Coliforms over 1600 MPN/100ml, which significantly exceed applicable water quality objectives. *Id.* at Table 1.

The Regional Board required MCSP to prepare an Interim Disposal Plan, a Storm Water Collection System Investigation Workplan, and a Storm Water Collection System Investigation Findings Report. *Id.* at 13. MCSP's Interim Disposal Plan was to contain all water within the stormwater system and divert that water to the wastewater treatment plant. *Id.* at 14. This plan caused flooding at the Facility, and was abandoned in favor of an unapproved revision to the Interim Plan which would allow the Facility to discharge to Mule Creek during rain events of more than 0.1 inches in an hour or 0.3 inches in a 24-hour period. *Id.*

MCSP's Revised Stormwater Collection System Investigation Report of Findings discovered over 500 defects in the storm water and sewer systems, ranging from minor corrosion to broken/collapsed pipes, fully separated joints, deformations, compromised seals, failed previous repairs, and large hole, cracks, or breaks where soil is visible. *Id.* at 16. The investigation did not include pipes less than six inches in diameter. *Id.* Regional Board staff review portions of the closed-circuit television footage from MCSP's investigation of the storm water collection system and observed areas where water is leaking into both the MS4 and the sewage pipes. *Id.* Regional Board staff also observed that the sanitary sewer system is constructed in close physical proximity to the storm water system, in certain places, and the sewer system is often situated above the storm water system. *Id.* Regional Board staff concluded that the defects and layout of the two systems are clear indicators that the sanitary sewer system is a conduit for indirect cross connection between the two systems. *Id.*

CSPA is informed and believes that defects in the Facility's sanitary sewer system cause untreated sewage to flow into the Facility's storm water sewer system and to discharge to Mule Creek. Each time liquids or materials other than storm water have discharged from the Facility and into Mule Creek between April 9, 2019 and the present is a violation of Section B.3 of the General Permit. CSPA is also informed and believes that the defects in the sanitary sewer system cause untreated sewage to commingle with storm water, and discharge into Mule Creek, during every precipitation event that results in 0.1 inches of rainfall over a 1-hour period, or 0.3 inches of rainfall over a 24-hour period ("Significant Rain Event"). The commingled discharges of sewage and storm water cause or threaten to cause pollution or nuisance in Mule Creek in violation of General Permit, Sections B.1 and B.2. MCSP has violated Section B.2 every day the Facility experienced a Significant Rain Event between April 9, 2019 and the present. **Attachment A** hereto, sets forth the specific dates on which CSPA alleges that MCSP has discharged commingled sewage and storm water in violation of Sections B.1 and B.2 of the General Permit.

In addition to discharges of untreated sewage related to Significant Storm Events, MCSP's sanitary sewer system and separate storm water sewer system are in such disrepair that the Facility often discharges untreated sewage during periods of dry weather. These discharges are not authorized by an NPDES Permit and therefore violate section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a). Furthermore, the discharges that occurred after MCSP obtained coverage under the General Permit - during the period from April 9, 2019 to the present - violate section B.1, B.2, and B.3 of the General Permit. These discharges are identified by the California Office of Emergency Services reports included in **Attachment B** hereto.

2. Effluent Limitations

The General Permit requires dischargers to implement BMPs to reduce the discharge of pollutants from their MS4s to waters of the United States to the maximum extent practicable. General Permit, Section C.1. Both MCSP's sanitary sewer system and storm water sewer system are in disrepair and cause untreated sewage to commingle with storm water during every rain event at the Facility. MCSP has failed to implement any BMPs to prevent this commingling of sewage and storm water, and therefore the Facility has failed to reduce discharges of pollutants

to Mule Creek to the maximum extent practicable. During every Significant Rain Event between April 9, 2019 and the present, MCSP has violated Section C.1 of the General Permit.

3. Receiving Water Limitations

The General Permit prohibits discharges from MS4s that cause or contribute to an exceedance of water quality standards contained in a Statewide Water Quality Control Plan, the California Toxics Rule (“CTR”), or in the applicable Regional Water Board Basin Plan. General Permit, Section D.

Mule Creek is part of the Cosumnes River Hydrologic Unit No. 531. The San Joaquin/Sacramento Delta Basin Plan sets forth the following beneficial uses for Hydrologic Unit 531: MUN, AGR, PROC, REC-1, REC-2, WARM, COLD, MIGR, SPWN, and WILD. The Basin Plan sets forth the following applicable water quality objectives:

(1) Bacteria – in waters designated for contact recreation (REC-1), the fecal coliform concentration based on a minimum of not less than five samples for any 30-day period shall not exceed a geometric mean of 200/100 ml, nor shall more than ten percent of the total number of samples taken during any 30-day period exceed 400/100 ml;

(2) Chemical Constituents – At a minimum, water designated for use as domestic or municipal supply (MUN) shall not contain concentrations of chemical constituents in excess of the maximum contaminant levels specific in the following provisions of Title 22 of the California Code of Regulations, which are incorporated by reference into the Basin Plan: Tables 64431-A (Inorganic Chemicals) and 64431-B (Fluoride) of Section 64431, Table 64444-A (Organic Chemicals) of Section 64444, and Tables 64449-A (Secondary Maximum Contaminant Levels-Consumer Acceptance Limits) and 64449-B (Secondary Maximum Contaminant Levels-Ranges) of Section 64449. This incorporation-by-reference is prospective, including future changes to the incorporated provisions as the changes take effect. At a minimum, water designated for use as domestic or municipal supply (MUN) shall not contain lead in excess of 0.015 mg/l;

(3) Color – Water shall be free of discoloration that causes nuisance or adversely affects beneficial uses;

(4) Floating Material – Water shall not contain floating material in amounts that cause nuisance or adversely affect beneficial uses;

(5) Tastes and Odors – Water shall not contain taste- or odor-producing substances in concentrations that impart undesirable tastes or odors to domestic or municipal water supplies or to fish flesh or other edible products of aquatic origin, or that cause nuisance, or otherwise adversely affect beneficial uses;

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(6) Temperature – The natural receiving water temperature of intrastate waters shall not be altered unless it can be demonstrated to the satisfaction of the Regional Water Board that such alteration in temperature does not adversely affect beneficial uses. At no time or place shall the temperature of COLD or WARM intrastate waters be increased more than 5°F above natural receiving water temperature;

(7) Toxicity – All waters shall be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life; and,

(8) Turbidity - Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses.

Basin Plan, III-3.00 – 9.00

Untreated sewage commingling with MCSP's storm water discharges cause or contribute to exceedances of the water quality standards listed above. The Facility has violated, and continues to violate, Section D of the General Permit every time a Significant Rain Event has occurred, or occurs, at the Facility between April 9, 2019 and the present because the Facility cannot prevent treated and untreated sewage from commingling with its storm water discharges to Mule Creek. These violations are ongoing and will continue each time contaminated water is discharged from the storm water sewer system into Mule Creek, in violation Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a).

C. MCSP Is Violating the Clean Water Act because Discharges from the Land Application Areas Are Not Covered by a NPDES Permit.

MCSP violates the Clean Water Act every time it discharges a pollutant into Mule Creek or any other water of the United States, unless that discharge is authorized by an NPDES permit. *See* 33 U.S.C. § 1311(a). Evidence available to CSPA indicates that pollutants regularly discharge from the land application areas ("LAAs") into Mule Creek. These discharges are not authorized by any NPDES permit and are, thus, unpermitted discharges in violation of Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a).

MCSP disposes of wastewater from its wastewater treatment plant into several LAAs at the Facility. Several of these LAAs are directly adjacent to Mule Creek. As a result of mismanagement or improper operation, wastewater sprayed into the LAAs discharges into Mule Creek. The August 13, 2020 Inspection Report prepared by Central Valley Regional Water Quality Control Board staff noted deeply ponded water, as well as broken down toilet paper and sanitary wipes, in and along Mule Creek at the downstream border of the Facility. Regional Board staff concluded that the pollutants were not from a recent sewage spill, but rather were a

results of irrigation runoff from the LAAs.² The Regional Board inspector also noted that the LAAs “did not appear to be fully utilized or properly managed. Vegetation was dry or sparse in many locations, but lush and green in small patches.”³ Accordingly, the Regional Board concluded that the LAAs “appear to be underutilized and inconsistently irrigated. Uneven irrigation and poor vegetation management is likely decreasing disposal capacity, and may be causing runoff or seepage into the creek.”⁴

The Regional Board previously noted a similar condition. On July 25, 2019, Regional Board staff documented stagnant water in Mule Creek downstream of the LAAs, even though the Creek was dry upstream and even though then had been several months of hot, dry weather.

Such evidence indicates that the LAAs are discharging water into Mule Creek without a permit. Moreover, case law makes clear that the LAAs are point sources for which a permit is required. Systems that are intended to hold polluted wastewater, such as the LAAs here, are point sources. *See Reynolds v. Rick's Mushroom Serv.*, 246 F. Supp. 2d 449, 457 (E.D. Pa. 2003); *see also Ecological Rights Found. v. Pac. Gas & Elec. Co.*, 713 F.3d 502, 509 n.4 (9th Cir. 2013), *citing Peconic Baykeeper, Inc. v. Suffolk Cnty.*, 600 F.3d 180, 188-89 (2d Cir. 2010) (aerial pesticide sprayers); *Parker v. Scrap Metal Processors, Inc.*, 386 F.3d 993, 1009 (11th Cir. 2004) (piled debris that collected stormwater and channeled it into a nearby stream); *Concerned Area Residents for Env't v. Southview Farm*, 34 F.3d 114, 118-19 (2d Cir. 1994) (manure spreader, which was a "rolling stock" or "container" under 33 U.S.C. § 1362(14)); *Avoyelles Sportsmen's League, Inc. v. Marsh*, 715 F.2d 897, 922 (5th Cir. 1983) [**19] (bulldozers and backhoes, "since they collected into windrows and piles material that may ultimately have found its way back into the waters"); *Sierra Club v. Abston Construction Co.*, 620 F.2d 41, 45 (5th Cir. 1980) (human-made spoil piles and sediment basins that collected and channeled storm water); *United States v. Earth Scis., Inc.*, 599 F.2d 368, 374 (10th Cir. 1979) (“combination of sumps, ditches, hoses and pumps is a circulating or drainage system to serve” a mining operation); *see also League of Wilderness Defenders*, 309 F.3d at 1185 (“aircraft equipped with tanks spraying pesticide from mechanical sprayers directly over covered waters”); *Borden Ranch P'ship v. U.S. Army Corps of Eng'rs*, 261 F.3d 810, 815 (9th Cir. 2001), *aff'd*, 537 U.S. 99, 123 S. Ct. 599, 154 L. Ed. 2d 508 (2002) (bulldozers and backhoes, which ripped up and redistributed the bottom layer of soil (the “pollutant”)); *Trustees for Alaska v. Env'tl. Prot. Agency*, 749 F.2d 549, 558 (9th Cir. 1984) (sluice box, a “confined channel” that released discharge water from a mine).

MCSP violates the Clean Water Act each and every time the Facility discharges pollutants from the LAAs to Mule Creek. These violations are ongoing and will continue each time contaminated water is discharged from the LAAs into Mule Creek without a permit, in violation Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a).

² Kenneth Croyle, Central Valley Regional Water Quality Control Board; Inspection Report, California Department of Corrections, Mule Creek State Prison; August 13, 2020, at p. 3.

³ *Id.*

⁴ *Id.*

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D. MCSP is Violating the Clean Water Act Because Discharges of Sanitary Sewer Overflows to Mule Creek Are Not Covered by an NPDES Permit.

The Facility periodically experiences discharges of raw sewage from its sanitary sewer system. Sometimes these sanitary sewer overflows (“SSO”) reach Mule Creek. These discharges are not covered by an NPDES Permit. MCSP has violated, and continues to violate, the Clean Water Act each time an SSO has discharged, or discharges, into Mule Creek. At least three SSOs have unlawfully discharged into Mule Creek in the past five years and are identified by the following SSO Event ID numbers and dates of discharge: 868429 (August 10, 2020); 856123 (February 14, 2019); 846261 (April 6, 2018). These violations are ongoing and will continue each time contaminated water is discharged from the sanitary sewer system into Mule Creek without a permit, in violation of Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a).

III. Persons Responsible for the Violations

CSPA puts MCSP on notice that they are the persons and entities responsible for the violations described above. If additional persons are subsequently identified as also being responsible for the violations set forth above, CSPA puts MCSP on formal notice that it intends to include those persons in this action.

IV. Name and Address of Noticing Parties

The name, address and telephone number of each of the noticing parties is as follows:

Bill Jennings, Executive Director
California Sportfishing Protection Alliance
3536 Rainer Avenue
Stockton, CA 95204
(209) 464-5067

V. Counsel

CSPA has retained legal counsel to represent it in this matter. Please direct all communications to:

Andrew L. Packard
William N. Carlon
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245 Kentucky Street, Suite B3
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jrf@atalawgroup.com
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VI. Conclusion

CSPA believes this Notice of Violations and Intent to File Suit sufficiently states grounds for filing suit. We intend to file a citizen suit under Section 505(a) of the CWA against MCSP and their agents for the above-referenced violations upon the expiration of the 60-day notice period. If you wish to pursue remedies in the absence of litigation, we suggest that you initiate those discussions within the next 20 days so that they may be completed before the end of the 60-day notice period. We do not intend to delay the filing of a complaint in federal court if discussions are continuing when that period ends.

Sincerely,



Andrew L. Packard
Law Offices of Andrew L. Packard
Counsel for CALIFORNIA SPORTFISHING
PROTECTION ALLIANCE

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SERVICE LIST

VIA CERTIFIED MAIL

Andrew Wheeler, Administrator
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Washington, D.C. 20460

John Busterud, Regional Administrator
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San Francisco, CA 94105

William Barr, U.S. Attorney General
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Eileen Sobeck, Executive Director
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Patrick Pulupa, Executive Officer
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670

ATTACHMENT A**Notice of Intent to File Suit, MCSP****Significant Rain Events,* October 14, 2015 – August 21, 2020**

October 18, 2015	January 8, 2017	November 22, 2018	April 6, 2020
November 2, 2015	January 9, 2017	November 23, 2018	April 7, 2020
November 3, 2015	January 10, 2017	November 24, 2018	May 18, 2020
November 9, 2015	January 11, 2017	November 29, 2018	May 19, 2020
November 10, 2015	January 19, 2017	November 30, 2018	
November 25, 2015	January 20, 2017	December 2, 2018	
December 4, 2015	January 21, 2017	December 17, 2018	
December 11, 2015	January 22, 2017	December 25, 2018	
December 14, 2015	January 23, 2017	January 6, 2019	
December 19, 2015	February 4, 2017	January 7, 2019	
December 22, 2015	February 6, 2017	January 17, 2019	
December 25, 2015	February 7, 2017	January 21, 2019	
January 5, 2016	February 8, 2017	February 3, 2019	
January 6, 2016	February 10, 2017	February 4, 2019	
January 7, 2016	February 11, 2017	February 10, 2019	
January 18, 2016	February 20, 2017	February 13, 2019	
January 19, 2016	February 21, 2017	February 14, 2019	
January 20, 2016	February 22, 2017	February 15, 2019	
January 23, 2016	March 21, 2017	February 27, 2019	
January 30, 2016	March 23, 2017	March 3, 2019	
February 18, 2016	April 7, 2017	March 23, 2019	
March 5, 2016	April 8, 2017	March 24, 2019	
March 6, 2016	April 17, 2017	April 3, 2019	
March 7, 2016	April 18, 2017	May 16, 2019	
March 12, 2016	November 17, 2017	May 17, 2019	
March 14, 2016	November 27, 2017	May 19, 2019	
April 10, 2016	January 6, 2018	May 20, 2019	
April 23, 2016	January 9, 2018	November 27, 2019	
October 15, 2016	January 10, 2018	December 1, 2019	
October 17, 2016	January 26, 2018	December 2, 2019	
October 28, 2016	February 27, 2018	December 3, 2019	
October 29, 2016	March 1, 2018	December 5, 2019	
October 31, 2016	March 2, 2018	December 8, 2019	
November 20, 2016	March 14, 2018	December 23, 2019	
November 21, 2016	March 15, 2018	January 10, 2020	
November 27, 2016	March 21, 2018	January 17, 2020	
December 11, 2016	March 22, 2018	March 8, 2020	
December 16, 2016	March 23, 2018	March 15, 2020	
December 24, 2016	April 6, 2018	March 16, 2020	
January 4, 2017	April 7, 2018	March 17, 2020	
January 5, 2017	April 17, 2018	April 5, 2020	

* Dates gathered from publicly available rain and weather data collected at stations located near the Facility.

Attachment B

Governor's Office Emergency Services

Hazardous Materials Spill Report

DATE: 09/21/2016 TIME: 1128	RECEIVED BY:	CONTROL#: Cal OES - 16-5774 NRC -
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1.a. PERSON NOTIFYING Cal OES:

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:
 California Department of
 Corrections and
 Rehabilitation, Mule Creek
 State Prison

1.b. PERSON REPORTING SPILL (If different from above):

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

2. SUBSTANCE TYPE:

2. a. b.QTY:>=< Amount Measure c. TYPE: d. OTHER: e. PIPELINE f. VESSEL
 SUBSTANCE: >= 300 Tons

1. Raw Sewage = 50 Gal(s) SEWAGE No No
 2. = No No
 3. = No No

g. DESCRIPTION: RP States: A valve (knife gate) failed and released 50 gallons of raw sewage into a fenced gate area. The release did not enter at storm drain or waterway. The release was mitigated by CDCR Wastewater Staff.

h. STOPPAGE/CONTAINMENT: INVOLVED: i. WATER j. WATERWAY: k. DRINKING WATER IMPACTED
 Yes No N/A No

l. KNOWN IMPACT None

3. a. INCIDENT LOCATION: Mule Creek State Prison - 4001 Hwy 104

b. CITY: c. COUNTY: d. ZIP: AMADOR COUNTY APCD
 Ione Amador County 95640

4. INCIDENT DESCRIPTION:

a. DATE: b. TIME (Military): c. SITE: d. REPORTED CAUSE
 09/21/2016 1030 Other Other
 Description for Other : Description for Other : Valve
 California State Prison Failure

e. INJURIES f. FATALITY g. EVACUATION h. CLEANUP BY:
 No No No Reporting Party

6. NOTIFICATION INFORMATION:

a. ON SCENE: b. OTHER ON SCENE: c. OTHER NOTIFIED:

d. ADMIN. AGENCY: Amador County e. SEC. AGENCY:

Environmental Health

f. ADDITIONAL COUNTY: g. ADMIN. AGENCY:

h. NOTIFICATION LIST:

DOG Unit: i. RWQCB Unit:
 5B

AA/CUPA, DFG-OSPR, DTSC, RWQCB, US EPA, USFWS, Co/E-Hlth

Photo Attachment:	
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***** Control No: 16-5774 *****

Created by: Warning Center on: 09/21/2016 11:28:18 AM Last Modified by: Warning Center on: 09/21/2016 11:34:28 AM

Governor's Office Emergency Services

Hazardous Materials Spill Report

DATE: 01/23/2018 TIME: 1340	RECEIVED BY:	CONTROL#: Cal OES - 18-0502 NRC -
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1.a. PERSON NOTIFYING Cal OES:

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

Mule Creek State Prison

1.b. PERSON REPORTING SPILL (If different from above):

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

2. SUBSTANCE TYPE:

2. a. b.QTY:>=< Amount Measure c. TYPE: d. OTHER: e. PIPELINE f. VESSEL
SUBSTANCE: >= 300 Tons

1. Sewage - = Unk Gal(s) SEWAGE No No

Raw Type

2. = No No

3. = No Yes

g. DESCRIPTION:

Lab test of drain system (Jan 4, 2018) indicated that sewage was in the line, unknown exact cause, unknown if any material reached a waterway but signs were posted at the outfall, system was shut in and not a threat to the environment at this time, investigation is in progress.

h. i. WATER j. WATERWAY: k. DRINKING WATER
STOPPAGE/CONTAINMENT: INVOLVED: IMPACTED

Yes Yes Mule Creek No

l. KNOWN IMPACT Signs Posted

3. a. INCIDENT LOCATION: 4001 Hwy 104

b. CITY: c. COUNTY: d. ZIP:

Ione Amador County 95640 AMADOR COUNTY APCD

4. INCIDENT DESCRIPTION:

a. DATE: b. TIME (Military): c. SITE: d. REPORTED CAUSE
01/19/2018 0700 Other Unknown

Description for Other :

State Prison

e. INJURIES f. FATALITY g. EVACUATION h. CLEANUP BY:

No No No Reporting Party

6. NOTIFICATION INFORMATION:

a. ON SCENE: b. OTHER ON SCENE: c. OTHER NOTIFIED:

Other RWQCB

d. ADMIN. AGENCY: Amador County

e. SEC. AGENCY:

Environmental Health

f. ADDITIONAL COUNTY:

g. ADMIN. AGENCY:

h. NOTIFICATION LIST:

DOG Unit:

i. RWQCB Unit:

5B

AA/CUPA, DTSC, RWQCB, US EPA, USFWS, DFG-OSPR, LANDS, PARKS & REC, Co/Hlth, Co/E-Hlth

Photo Attachment:

***** Control No: 18-0502 *****

Created by: Warning Center on: 01/23/2018 01:40:34 PM Last Modified by: Warning Center on: 01/23/2018 01:50:07 PM

Governor's Office Emergency Services

Hazardous Materials Spill Report

DATE: 03/14/2018 TIME: 1724	RECEIVED BY:	CONTROL#: Cal OES - 18-1696 NRC -
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1.a. PERSON NOTIFYING Cal OES:

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

Mule Creek State Prison

1.b. PERSON REPORTING SPILL (If different from above):

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

2. SUBSTANCE TYPE:

2. a. b.QTY:>=< Amount Measure c. TYPE: d. OTHER: e. PIPELINE f. VESSEL
SUBSTANCE: >= 300 Tons

1. Water - = 60,000-70,000 Gal(s) SEWAGE No No
Mixed w
sewage

2. = No No

3. = No No

g. DESCRIPTION:

Storm surge caused the release, material flowed into a containment channel then breeched the dam going onto soil and vegetation, RP is handling the containment and clean up.

h. i. WATER j. WATERWAY: k. DRINKING WATER
STOPPAGE/CONTAINMENT: INVOLVED: IMPACTED

Yes

No

I. KNOWN IMPACT None

3. a. INCIDENT LOCATION: 4001 Highway 104

b. CITY: c. COUNTY: d. ZIP:

Ione Amador County 95640 AMADOR COUNTY APCD

4. INCIDENT DESCRIPTION:

a. DATE: b. TIME (Military): c. SITE: d. REPORTED CAUSE
03/13/2018 1950 Other Other
Description for Other : Description for Other : Natural
State Prison Phenomenon

e. INJURIES f. FATALITY g. EVACUATION h. CLEANUP BY:
No No No Reporting Party

6. NOTIFICATION INFORMATION:

a. ON SCENE: b. OTHER ON SCENE: c. OTHER NOTIFIED:

d. ADMIN. AGENCY: Amador County e. SEC. AGENCY:

Environmental Health

f. ADDITIONAL COUNTY: g. ADMIN. AGENCY:

h. NOTIFICATION LIST:

DOG Unit: i. RWQCB Unit:
5B

AA/CUPA, DTSC, RWQCB, US EPA, USFWS, DFG-OSPR, LANDS, PARKS & REC, Co/Hlth, Co/E-Hlth

Photo Attachment:	
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***** Control No: 18-1696 *****

Created by: Warning Center on: 03/14/2018 05:24:14 PM Last Modified by: Warning Center on: 03/14/2018 05:32:59 PM

Governor's Office Emergency Services

Hazardous Materials Spill Report

DATE: 03/22/2018 TIME: 1702	RECEIVED BY:	CONTROL#: Cal OES - 18-1892 NRC -
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1.a. PERSON NOTIFYING Cal OES:

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

Mule Creek State Prison

1.b. PERSON REPORTING SPILL (If different from above):

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

2. SUBSTANCE TYPE:

2. a. b.QTY:>=< Amount Measure c. TYPE: d. OTHER: e. PIPELINE f. VESSEL
SUBSTANCE: >= 300 Tons

1. Storm Water = 1,250,000 Gal(s) OTHER Non No No

potable

2. = No No

3. = No No

g. DESCRIPTION:

Storm surge caused the release, material inundated the system going from containment area into Mule creek, the flow has ceased and no clean up required.

h. i. WATER j. WATERWAY: k. DRINKING WATER
STOPPAGE/CONTAINMENT: INVOLVED: IMPACTED
Yes Yes Mule Creek No

l. KNOWN IMPACT None

3. a. INCIDENT LOCATION: 4001 Hwy 104

b. CITY: c. COUNTY: d. ZIP:

Ione Amador County 95640 AMADOR COUNTY APCD

4. INCIDENT DESCRIPTION:

a. DATE: b. TIME (Military): c. SITE: d. REPORTED CAUSE
03/22/2018 0900-1230 Other
Description for Other : Description for Other : Natural
State Prison Phenomenon

e. INJURIES f. FATALITY g. EVACUATION h. CLEANUP BY:
No No No N/A

6. NOTIFICATION INFORMATION:

a. ON SCENE: b. OTHER ON SCENE: c. OTHER NOTIFIED:

d. ADMIN. AGENCY: Amador County e. SEC. AGENCY:
Environmental Health

f. ADDITIONAL COUNTY: Butte County g. ADMIN. AGENCY: Butte County Health
Department

h. NOTIFICATION LIST:

DOG Unit: i. RWQCB Unit:
5B

AA/CUPA, DTSC, RWQCB, US EPA, USFWS, DFG-OSPR, LANDS, PARKS & REC, Co/WP, Co/Hlth, Co/E-Hlth

Photo Attachment:	
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***** Control No: 18-1892 *****

Created by: Warning Center on: 03/22/2018 05:02:15 PM Last Modified by: Warning Center on: 03/22/2018 05:16:07 PM

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Governor's Office of Emergency Services Hazardous Material Spill Update

CONTROL#: 18-1892 NRC#

NOTIFY DATE/TIME: 03/22/2018 / 1702	RECEIVED BY: OCCURENCE DATE/TIME: 03/22/2018/0900-1230	CITY/OP. AREA: Ione/Amador County AMADOR COUNTY APCD
--	--	---

1.a. PERSON NOTIFYING Cal OES:

AGENCY: Mule Creek State Prison	
--	--

1.b. PERSON REPORTING SPILL (If different from above):

AGENCY:	
----------------	--

SUBSTANCE TYPE:

a. SUBSTANCE:	b. QTY: <i>Amount</i>	<i>Measure</i>	c. TYPE:	d. OTHER:	e. PIPELINE	f. VESSEL >= 300 Tons
1. Storm Water	1,250,000	Gal(s)	OTHER	Non potable	No	No
2.					No	No
3.					No	No

Original Description: Storm surge caused the release, material inundated the system going from containment area into Mule creek, the flow has ceased and no clean up required.

PERSON NOTIFYING Cal OES OF SPILL UPDATE:

NAME: AGENCY: PHONE#: Ext: PAG/CELL:

RWQCB Region 5

UPDATE QUANTITY

Measure

Amount

1. Gal(s)

2.

3.

4.

UPDATE KNOWN IMPACT:	
UPDATE CAUSE:	

SITUATION UPDATE:

Called to update substance from stormwater to wastewater.

FAX NOTIFICATION LIST:

AA/CUPA, DFG-OSPR, DTSC, RWQCB, US EPA, USFWS, LANDS, PARKS & REC, Co/WP, Co/Hlth, Co/E-Hlth

ADMINISTERING AGENCY: Amador County Environmental Health

SECONDARY AGENCY:

ADDITIONAL COUNTIES: Butte County

ADDITIONAL ADMIN. AGENCY: Butte County Health Department

DOG Unit:
OTHER NOTIFIED:

RWQCB Unit: 5B

CONFIRMATION REQUEST: Please confirm receipt by reply email or phone 916-845-8911.

FAX NOTIFICATION
LIST:

ADMINISTERING

AGENCY:

ADDITIONAL ADMIN.

AGENCY:

SECONDARY AGENCY:

COUNTIES:

Cal GEM:

RWQCB Unit:

Created by: Warning Center on: 06/05/2018 10:38:26 AM Last Modified by: Warning Center on: 06/05/2018 10:40:11 AM

***** End of Form *****

Governor's Office Emergency Services

Hazardous Materials Spill Report

DATE: 04/06/2018 TIME: 1416	RECEIVED BY:	CONTROL#: Cal OES - 18-2255 NRC -
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1.a. PERSON NOTIFYING Cal OES:

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

Mule Creek State Prison

1.b. PERSON REPORTING SPILL (If different from above):

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

2. SUBSTANCE TYPE:

2. a. b.QTY:>=< Amount Measure c. TYPE: d. OTHER: e. PIPELINE f. VESSEL
SUBSTANCE: >= 300 Tons

1. Sewage = 33,000 Gal(s) SEWAGE No No

2. = No No

3. = No No

g. DESCRIPTION: Per the caller a pump control failure caused the release.

h. i. WATER j. WATERWAY: k. DRINKING WATER

STOPPAGE/CONTAINMENT: INVOLVED: IMPACTED

Yes Yes Storm Drain/Mule Creek No

l. KNOWN IMPACT None

3. a. INCIDENT LOCATION: 4001 Highway 104

b. CITY: c. COUNTY: d. ZIP: AMADOR COUNTY APCD
Ione Amador County 95640

4. INCIDENT DESCRIPTION:

a. DATE: b. TIME (Military): c. SITE: d. REPORTED CAUSE
04/06/2018 1255 Other Mechanical

Description for Other
: Prison

e. INJURIES f. FATALITY g. EVACUATION h. CLEANUP BY:
No No No Unrecoverable

6. NOTIFICATION INFORMATION:

a. ON SCENE: b. OTHER ON SCENE: c. OTHER NOTIFIED:

d. ADMIN. AGENCY: Amador County e. SEC. AGENCY:

Environmental Health

f. ADDITIONAL COUNTY: Sacramento County g. ADMIN. AGENCY: Sacramento County
Environmental Management

h. NOTIFICATION LIST:

DOG Unit: i. RWQCB Unit:
5B

AA/CUPA, DTSC, RWQCB, US EPA, USFWS, DFG-OSPR, LANDS, PARKS & REC, Co/WP, Co/E-Hlth

Photo Attachment:	
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***** Control No: 18-2255 *****

Created by: Warning Center on: 04/06/2018 02:16:52 PM Last Modified by: Warning Center on: 04/06/2018 03:00:02 PM

Governor's Office Emergency Services

Hazardous Materials Spill Report

DATE: 04/09/2018 TIME: 0916	RECEIVED BY:	CONTROL#: Cal OES - 18-2307 NRC -
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1.a. PERSON NOTIFYING Cal OES:

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

Mule Creek State Prison

1.b. PERSON REPORTING SPILL (If different from above):

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

2. SUBSTANCE TYPE:

2. a. b.QTY:>=< Amount Measure c. TYPE: d. OTHER: e. PIPELINE f. VESSEL
SUBSTANCE: >= 300 Tons

1. Storm Water = 1,600,000 Gal(s) OTHER storm water No No

2. = Unknown No

3. = No No

g. DESCRIPTION:

Caller states the release was caused due to an "act of god" related to weather. The material flowed from the prison to Mule Creek. The material is unrecoverable. The release began on 04/06/18 at 1107 hours and ended 04/07/18 at 1450 hours.

h. i. WATER j. WATERWAY: k. DRINKING WATER
STOPPAGE/CONTAINMENT: INVOLVED: IMPACTED

No Yes Mule Creek No

l. KNOWN IMPACT Unknown

3. a. INCIDENT LOCATION: 4001 HWY 104

b. CITY: c. COUNTY: d. ZIP:

Ione Amador County 95640 AMADOR COUNTY APCD

4. INCIDENT DESCRIPTION:

a. DATE: b. TIME (Military): c. SITE: d. REPORTED CAUSE
04/06/2018 1107 Other
Description for Other : Prison Description for Other : weather

e. INJURIES f. FATALITY g. EVACUATION h. CLEANUP BY:

No No No Unrecoverable

6. NOTIFICATION INFORMATION:

a. ON SCENE: b. OTHER ON SCENE: c. OTHER NOTIFIED:

RWQCB

d. ADMIN. AGENCY: Amador County

e. SEC. AGENCY:

Environmental Health

f. ADDITIONAL COUNTY:

g. ADMIN. AGENCY:

h. NOTIFICATION LIST:

DOG Unit:

i. RWQCB Unit:

5B

AA/CUPA, DTSC, RWQCB, US EPA, USFWS, DFG-OSPR, CDPH-D.O., LANDS, PARKS & REC, USCG, Co/WP, Co/Hlth, Co/E-Hlth

Photo Attachment:	
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***** Control No: 18-2307 *****

Created by: Warning Center on: 04/09/2018 09:16:40 AM Last Modified by: Warning Center on: 04/09/2018 09:33:32 AM

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Governor's Office of Emergency Services Hazardous Material Spill Update

CONTROL#: 18-2307 NRC#

NOTIFY DATE/TIME: 04/09/2018 / 0916	RECEIVED BY: OCCURENCE DATE/TIME: 04/06/2018/1107	CITY/OP. AREA: Ione/Amador County AMADOR COUNTY APCD
--	---	---

1.a. PERSON NOTIFYING Cal OES:

AGENCY: Mule Creek State Prison	
--	--

1.b. PERSON REPORTING SPILL (If different from above):

AGENCY:	
----------------	--

SUBSTANCE TYPE:

a. SUBSTANCE:	b. QTY: Amount	Measure	c. TYPE:	d. OTHER:	e. PIPELINE	f. VESSEL >= 300 Tons
1. Storm Water	1,600,000	Gal(s)	OTHER	storm water	No	No
2.					Unknown	No
3.					No	No

Original Description: Caller states the release was caused due to an "act of god" related to weather. The material flowed from the prison to Mule Creek. The material is unrecoverable. The release began on 04/06/18 at 1107 hours and ended 04/07/18 at 1450 hours.

PERSON NOTIFYING Cal OES OF SPILL UPDATE:

NAME: **AGENCY:** **PHONE#:** **Ext:** **PAG/CELL:**

RWQCB Region 5

UPDATE QUANTITY

Amount

Measure

1. Gal(s)

2.

3.

4.

UPDATE KNOWN IMPACT:	
UPDATE CAUSE:	

SITUATION UPDATE:

Called to update substance from stormwater to wastewater.

FAX NOTIFICATION LIST:

AA/CUPA, DFG-OSPR, DTSC, RWQCB, US EPA, USFWS, CDPH-D.O., LANDS, PARKS & REC, USCG, Co/WP, Co/Hlth, Co/E-Hlth

ADMINISTERING AGENCY: Amador County Environmental Health

SECONDARY AGENCY:

ADDITIONAL COUNTIES:

ADDITIONAL ADMIN. AGENCY:

DOG Unit:

OTHER NOTIFIED: RWQCB

RWQCB Unit: 5B

CONFIRMATION REQUEST: Please confirm receipt by reply email or phone 916-845-8911.

FAX NOTIFICATION
LIST:

ADMINISTERING

AGENCY:

ADDITIONAL ADMIN.

AGENCY: Case 2:20-cv-02482-WBS-AC Document 1 Filed 12/15/20 Page 42 of 85

SECONDARY AGENCY:

ADDITIONAL

COUNTIES:

Cal GEM:

RWQCB Unit:

Created by: Warning Center on: 06/05/2018 10:41:03 AM Last Modified by: Warning Center on: 06/05/2018 10:42:11 AM

***** End of Form *****

Governor's Office Emergency Services

Hazardous Materials Spill Report

DATE: 04/23/2018 TIME: 1414	RECEIVED BY:	CONTROL#: Cal OES - 18-2641 NRC -
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1.a. PERSON NOTIFYING Cal OES:

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

Mule Creek State Prison

1.b. PERSON REPORTING SPILL (If different from above):

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

2. SUBSTANCE TYPE:

2. a.	b.QTY:>=< Amount	Measure	c. TYPE:	d. OTHER:	e. PIPELINE	f. VESSEL
SUBSTANCE:						>= 300 Tons
1. Fentanyl	=	unknown	N/A	CHEMICAL	No	No
2.	=				No	No
3.	=				Unknown	No

g. DESCRIPTION:

Caller reports there have been 14 exposures and one death within the prison in 48 hours. The suspected cause is Fentanyl. It is also suspected the material was smuggled in. 10 cells were impacted. Exposure routes were ingestion, nasal inhalation, and intravenous. The investigation is ongoing.

h. STOPPAGE/CONTAINMENT: INVOLVED: No
i. WATER j. WATERWAY: k. DRINKING WATER IMPACTED
No none No

l. KNOWN IMPACT

Other
Reason for Other: Quarantined cells/ injury and death.

3. a. INCIDENT LOCATION: Mule Creek State Prison

b. CITY: c. COUNTY: d. ZIP: AMADOR COUNTY APCD
Ione Amador County 95640

4. INCIDENT DESCRIPTION:

a. DATE:	b. TIME (Military):	c. SITE:	d. REPORTED CAUSE
04/22/2018	2100	Other	Other
		Description for Other : Prison	Description for Other : Controlled substance/ medication exposure.

e. INJURIES

Yes
Injuries #: 13

f. FATALITY

Yes
Fatalities #: 1

g. EVACUATION

Yes
Evacs #: 10 cells

h. CLEANUP BY:

Unknown

6. NOTIFICATION INFORMATION:

a. ON SCENE:	b. OTHER ON SCENE:	c. OTHER NOTIFIED:
Other	Amador County DA investigative services unit, Office of Inspector General, CDC	DEA,

d. ADMIN. AGENCY: Amador County
Environmental Health

e. SEC. AGENCY:

f. ADDITIONAL COUNTY:

g. ADMIN. AGENCY:

h. NOTIFICATION LIST:

DOG Unit:

i. RWQCB Unit:

5B

AA/CUPA, DTSC, RWQCB, US EPA, USFWS, CDPH-D.O., EMSA

Photo Attachment:	
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Created by: Warning Center on: 04/23/2018 02:14:10 PM Last Modified by: Warning Center on: 04/23/2018 02:32:32 PM

Governor's Office Emergency Services

Hazardous Materials Spill Report

DATE: 05/25/2018 TIME: 1118	RECEIVED BY:	CONTROL#: Cal OES - 18-3383 NRC -
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1.a. PERSON NOTIFYING Cal OES:

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:
California Department of
Corrections Mule Creek State
Prison

1.b. PERSON REPORTING SPILL (If different from above):

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

2. SUBSTANCE TYPE:

2. a.	b.QTY:>=<Amount	Measure	c. TYPE:	d. OTHER:	e. PIPELINE	f. VESSEL
SUBSTANCE:						>= 300 Tons
1. Stormwater	= 200,000 - 350,000	Gal(s)	OTHER	StormwaterNo		No
2.	=				No	No
3.	=				No	No

g. DESCRIPTION:

The wastewater treatment plant at the California Department of Corrections Mule Creek State Prison conducted a controlled stormwater release. Staff felt the need to release the amount of listed stormwater into Mule Creek to prevent the system from being overwhelmed by rainwater. No cleanup is expected to occur.

h. STOPPAGE/CONTAINMENT: INVOLVED: No
i. WATER Yes
j. WATERWAY: Mule Creek
k. DRINKING WATER IMPACTED No

l. KNOWN IMPACT

Unknown

3. a. INCIDENT LOCATION: 4001 Highway 104

b. CITY:

Ione

c. COUNTY:

Amador County

d. ZIP:

95640

AMADOR COUNTY APCD

4. INCIDENT DESCRIPTION:

a. DATE:

05/25/2018

b. TIME (Military):

0430

c. SITE:

Other

d. REPORTED CAUSE

Other

Description for Other : Description for Other :
Prison Excessive rain

e. INJURIES

No

f. FATALITY

No

g. EVACUATION

No

h. CLEANUP BY:

Unknown

6. NOTIFICATION INFORMATION:

a. ON SCENE:

b. OTHER ON SCENE:

c. OTHER NOTIFIED:

None

d. ADMIN. AGENCY: Amador County

Environmental Health

e. SEC. AGENCY:

f. ADDITIONAL COUNTY:

g. ADMIN. AGENCY:

h. NOTIFICATION LIST:

DOG Unit:

i. RWQCB Unit:

5B

AA/CUPA, DTSC, RWQCB, US EPA, USFWS, DFG-OSPR, LANDS, PARKS & REC, USCG, Co/WP, Co/Hlth, Co/E-Hlth

Photo Attachment:	
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***** Control No: 18-3383 *****

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Governor's Office of Emergency Services Hazardous Material Spill Update

CONTROL#: 18-3383 NRC#

NOTIFY DATE/TIME: 05/25/2018 / 1118	RECEIVED BY: OCCURENCE DATE/TIME: 05/25/2018/0430	CITY/OP. AREA: Ione/Amador County AMADOR COUNTY APCD
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1.a. PERSON NOTIFYING Cal OES:

AGENCY: California Department of Corrections Mule Creek State Prison	
--	--

1.b. PERSON REPORTING SPILL (If different from above):

AGENCY:	
----------------	--

SUBSTANCE TYPE:

a. SUBSTANCE:	b. QTY: <i>Amount</i>	Measure	c. TYPE:	d. OTHER:	e. PIPELINE	f. VESSEL >= 300 Tons
1. Stormwater	200,000 - 350,000	Gal(s)	OTHER	Stormwater	No	No
2.					No	No
3.					No	No

Original Description: The wastewater treatment plant at the California Department of Corrections **Mule Creek** State Prison conducted a controlled stormwater release. Staff felt the need to release the amount of listed stormwater into **Mule Creek** to prevent the system from being overwhelmed by rainwater. No cleanup is expected to occur.

PERSON NOTIFYING Cal OES OF SPILL UPDATE:

NAME:	AGENCY:	PHONE#:	Ext:	PAG/CELL:
--------------	----------------	----------------	-------------	------------------

RWQCB Region 5

UPDATE QUANTITY
Amount
Measure

1.		Gal(s)	
----	--	--------	--

2.

3.

4.

UPDATE KNOWN IMPACT:	
UPDATE CAUSE:	

SITUATION UPDATE:

Called to update substance from stormwater to wastewater.

FAX NOTIFICATION LIST:

AA/CUPA, DFG-OSPR, DTSC, RWQCB, US EPA, USFWS, LANDS, PARKS & REC, USCG, Co/WP, Co/Hlth, Co/E-Hlth

ADMINISTERING AGENCY: Amador County Environmental Health

SECONDARY AGENCY:
ADDITIONAL COUNTIES:
ADDITIONAL ADMIN. AGENCY:
DOG Unit:
OTHER NOTIFIED: None

RWQCB Unit: 5B

CONFIRMATION REQUEST: Please confirm receipt by reply email or phone 916-845-8911.

FAX NOTIFICATION
LIST:
ADMINISTERING
AGENCY:

ADDITIONAL AGENCY:

AGENCY:

SECONDARY AGENCY:

ADDITIONAL

COUNTIES:

Cal GEM:

RWQCB Unit:

Created by: Warning Center on: 06/05/2018 10:42:52 AM Last Modified by: Warning Center on: 06/05/2018 10:43:56 AM

***** End of Form *****

Governor's Office Emergency Services

Hazardous Materials Spill Report

DATE: 10/23/2018 TIME: 1100	RECEIVED BY:	CONTROL#: Cal OES - 18-7188 NRC -
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1.a. PERSON NOTIFYING Cal OES:

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

Mule Creek State Prison

1.b. PERSON REPORTING SPILL (If different from above):

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

2. SUBSTANCE TYPE:

2. a. SUBSTANCE:	b. QTY: >=< Amount	Measure	c. TYPE:	d. OTHER:	e. PIPELINE	f. VESSEL >= 300 Tons
1. Storm Water =	1,000,000	Gal(s)	OTHER	Storm Water	No	Unknown
2. =					No	No
3. =					Yes	No

g. DESCRIPTION:

****HISTORICAL REPORT****

Per the caller the storm water conveyance system was at risk of overflowing so the storm water was release in to mule creek and the regional waterboard was notified, Per the caller the release is stopped and contained. Per the caller no drinking water sources impacted. Per the caller no known impacts have been noted due to release. Per the caller this began on 10/03/2018 at 1420 and gates closed on 10/04/2015 1315. Per the caller during that time it is believed to be a release of approximately 1,000,000 gallons.

h. STOPPAGE/CONTAINMENT: INVOLVED: i. WATER j. WATERWAY: k. DRINKING WATER IMPACTED

Stopped, Contained Yes Mule Creek No

l. KNOWN IMPACT None

3. a. INCIDENT LOCATION: 4001 Hwy 104

b. CITY: c. COUNTY: d. ZIP:

Ione Amador County 95640 AMADOR COUNTY APCD

4. INCIDENT DESCRIPTION:

a. DATE: 10/03/2018 b. TIME (Military): 1420 c. SITE: Other d. REPORTED CAUSE: Other

Description for Other : Description for Other :

Prison Overflow

e. INJURIES f. FATALITY g. EVACUATION h. CLEANUP BY:

No No Unknown Responsible Party

6. NOTIFICATION INFORMATION:

a. ON SCENE: b. OTHER ON SCENE: c. OTHER NOTIFIED:

Waterboard.

d. ADMIN. AGENCY: Amador County

e. SEC. AGENCY:

Environmental Health

f. ADDITIONAL COUNTY: Calaveras County, El

g. ADMIN. AGENCY: Calaveras County Office of

Dorado County

Emergency Services, El Dorado County Environmental Management

h. NOTIFICATION LIST:

DOG Unit: i. RWQCB Unit:

5B

AA/CUPA, DTSC, RWQCB, US EPA, USFWS, DFG-OSPR, CDPH-D.O., LANDS, PARKS & REC, USCG, Co/WP, Co/Hlth, Co/E-Hlth

***** **Control No: 18-7188** *****

Created by: Warning Center on: 10/23/2018 11:00:47 AM Last Modified by: Warning Center on: 10/23/2018 11:16:59 AM

Governor's Office Emergency Services

Hazardous Materials Spill Report

DATE: 11/26/2018 TIME: 1423	RECEIVED BY:	CONTROL#: Cal OES - 18-8009 NRC -
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1.a. PERSON NOTIFYING Cal OES:

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

Mule Creek State Prison

1.b. PERSON REPORTING SPILL (If different from above):

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

2. SUBSTANCE TYPE:

2. a. b.QTY:>=< Amount Measure c. TYPE: d. OTHER: e. PIPELINE f. VESSEL
SUBSTANCE: >= 300 Tons

1. Storm Water = 4 Million Gal(s) OTHER Storm Water No No
2. = No No
3. = No No

g. DESCRIPTION:

RP states: A release of 4 million gallons of storm water released from storm water gates due to the rain. The release was into the Mule Creek. The release has been stopped and is contained within the creek. Storm water gates were shut on 11/25/18 at 1200 hours, and clean up is not necessary.

h. i. WATER j. WATERWAY: k. DRINKING WATER
STOPPAGE/CONTAINMENT: INVOLVED: IMPACTED
Stopped, Contained Yes Mule Creek Unknown

l. KNOWN IMPACT None

3. a. INCIDENT LOCATION: 4001 Highway 104

b. CITY: c. COUNTY: d. ZIP: AMADOR COUNTY APCD
Ione Amador County 95640

4. INCIDENT DESCRIPTION:

a. DATE: b. TIME (Military): c. SITE: d. REPORTED CAUSE
11/21/2018 1200 Waterways Other
Description for Other : Act of God / Rain

e. INJURIES f. FATALITY g. EVACUATION h. CLEANUP BY:
No No No N/A

6. NOTIFICATION INFORMATION:

a. ON SCENE: b. OTHER ON SCENE: c. OTHER NOTIFIED:

d. ADMIN. AGENCY: Amador County e. SEC. AGENCY:
Environmental Health

f. ADDITIONAL COUNTY: g. ADMIN. AGENCY:

h. NOTIFICATION LIST:

DOG Unit: i. RWQCB Unit:
5B

AA/CUPA, DTSC, RWQCB, US EPA, USFWS, DFG-OSPR, DWP-DO, LANDS, Cal OES HAZMATUNIT, Cal OES PLANS UNIT, Cal OES REG, PARKS & REC, USCG, Co/WP, Co/Hlth, Co/E-Hlth

Photo Attachment:	
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***** Control No: 18-8009 *****

Created by: Warning Center on: 11/26/2018 02:23:23 PM Last Modified by: Warning Center on: 11/26/2018 02:38:40 PM

Governor's Office Emergency Services

Hazardous Materials Spill Report

DATE: 12/03/2018 TIME: 1312	RECEIVED BY:	CONTROL#: Cal OES - 18-8207 NRC -
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1.a. PERSON NOTIFYING Cal OES:

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

Mule Creek State Prison

1.b. PERSON REPORTING SPILL (If different from above):

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

2. SUBSTANCE TYPE:

2. a. b.QTY:>=< Amount Measure c. TYPE: d. OTHER: e. PIPELINE f. VESSEL
SUBSTANCE: >= 300 Tons

1. Storm water = 3,656,550 Gal(s) OTHER Storm Water No No

2. = No No

3. = No No

g. DESCRIPTION:

RP states: It rained and caused prison culverts to fill up with storm water. The storm water gates were opened causing a release of the storm water into Mule Creek. The release began 11/27/18 at 1230 and stopped 12/03/18 at 0730 hours.

h. i. WATER j. WATERWAY: k. DRINKING WATER
STOPPAGE/CONTAINMENT: INVOLVED: IMPACTED
Stopped Yes Mule Creek Unknown

l. KNOWN IMPACT None

3. a. INCIDENT LOCATION: 4001 Highway 104

b. CITY: c. COUNTY: d. ZIP:

Ione Amador County 95640 AMADOR COUNTY APCD

4. INCIDENT DESCRIPTION:

a. DATE: 11/27/2018 b. TIME (Military): 1230 c. SITE: Other
Description for Other : Mule Creek State Prison
d. REPORTED CAUSE: Other
Description for Other : Rain

e. INJURIES No f. FATALITY No g. EVACUATION No h. CLEANUP BY: Unrecoverable

6. NOTIFICATION INFORMATION:

a. ON SCENE: b. OTHER ON SCENE: c. OTHER NOTIFIED:

d. ADMIN. AGENCY: Amador County

e. SEC. AGENCY:

Environmental Health

f. ADDITIONAL COUNTY:

g. ADMIN. AGENCY:

h. NOTIFICATION LIST:

DOG Unit:

i. RWQCB Unit:

5B

AA/CUPA, DTSC, RWQCB, US EPA, USFWS, DFG-OSPR, CDPH-D.O., DWP-DO, LANDS, Cal OES HAZMATUNIT, Cal OES PLANS UNIT, Cal OES REG, PARKS & REC, USCG, Co/WP, Co/Hlth, Co/E-Hlth

Photo Attachment:

***** Control No: 18-8207 *****

Created by: Warning Center on: 12/03/2018 01:12:42 PM Last Modified by: Warning Center on: 12/03/2018 01:34:51 PM

Governor's Office Emergency Services

Hazardous Materials Spill Report

DATE: 12/17/2018 TIME: 1321	RECEIVED BY:	CONTROL#: Cal OES - 18-8563 NRC -
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1.a. PERSON NOTIFYING Cal OES:

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

Mule Creek State Prison

1.b. PERSON REPORTING SPILL (If different from above):

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

2. SUBSTANCE TYPE:

2. a. b.QTY:>=< Amount Measure c. TYPE: d. OTHER: e. PIPELINE f. VESSEL
SUBSTANCE: >= 300 Tons

1. Storm Water = 1,000,000 Gal(s) OTHER Storm Water No No

2. = No No

3. = No No

g. DESCRIPTION:

RP states: It rained and caused prison culverts to fill up with storm water. The storm water gates were opened causing a release of the storm water into Mule Creek. The release began 12/16/18 at 1220 and stopped 12/17/18 at 1220 hours.

h. i. WATER j. WATERWAY: k. DRINKING WATER
STOPPAGE/CONTAINMENT: INVOLVED: IMPACTED
Stopped Yes Mule Creek Unknown

l. KNOWN IMPACT None

3. a. INCIDENT LOCATION: 4001 Highway 104

b. CITY: c. COUNTY: d. ZIP:

Ione Amador County 95640 AMADOR COUNTY APCD

4. INCIDENT DESCRIPTION:

a. DATE: 12/16/2018 b. TIME (Military): 1220 c. SITE: Other
Description for Other : Mule Creek State Prison
d. REPORTED CAUSE: Other
Description for Other : Rain

e. INJURIES No f. FATALITY No g. EVACUATION No h. CLEANUP BY: Unrecoverable

6. NOTIFICATION INFORMATION:

a. ON SCENE: b. OTHER ON SCENE: c. OTHER NOTIFIED:

d. ADMIN. AGENCY: Amador County

e. SEC. AGENCY:

Environmental Health

f. ADDITIONAL COUNTY:

g. ADMIN. AGENCY:

h. NOTIFICATION LIST:

DOG Unit:

i. RWQCB Unit:

5B

AA/CUPA, DTSC, RWQCB, US EPA, USFWS, DFG-OSPR, CDPH-D.O., DWP-DO, LANDS, Cal OES HAZMATUNIT, Cal OES PLANS UNIT, Cal OES REG, PARKS & REC, USCG, Co/WP, Co/Hlth, Co/E-Hlth

Photo Attachment:

***** Control No: 18-8563 *****

Created by: Warning Center on: 12/17/2018 01:21:32 PM Last Modified by: Warning Center on: 12/17/2018 01:41:54 PM

Governor's Office Emergency Services

Hazardous Materials Spill Report

DATE: 01/11/2019 TIME: 1035	RECEIVED BY:	CONTROL#: Cal OES - 19-0260 NRC -
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1.a. PERSON NOTIFYING Cal OES:

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

Mule Creek State Prison

1.b. PERSON REPORTING SPILL (If different from above):

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

2. SUBSTANCE TYPE:

2. a. SUBSTANCE:	b. QTY: >=< Amount	Measure	c. TYPE:	d. OTHER:	e. PIPELINE	f. VESSEL >= 300 Tons
1. Stormwater	= 1, 636,000	Gal(s)	OTHER	Stormwater	No	No
2.	=				No	No
3.	=				No	No

g. DESCRIPTION:

Historical Report On 23 December, 2018 the prison released stormwater from their facility to Mule Creek. The prison received a cease and desist order from the Central Valley Regional Water Quality Control Board (RWQCB) for sewer and water quality issues. On 26 December, 2018 the prison closed the gates, stopping the stormwater release to the creek. During the four day period, an estimated 1,636,000 gallons of stormwater was released from the facility and into the creek. As of today, the prison and the RWQCB are in negotiations to discuss future actions. Sampling of the facility's open channel culverts/ inlets and Mule Creek are in progress. ***Historical Report***

h. STOPPAGE/CONTAINMENT: INVOLVED: i. WATER j. WATERWAY: k. DRINKING WATER IMPACTED

Stopped, Not contained

Yes

Mule Creek

No

l. KNOWN IMPACT

Unknown

3. a. INCIDENT LOCATION: 4001 Highway 104

b. CITY:

c. COUNTY:

d. ZIP:

Ione

Amador County

AMADOR COUNTY APCD

4. INCIDENT DESCRIPTION:

a. DATE:

b. TIME (Military):

c. SITE:

d. REPORTED CAUSE

12/26/2018

1200

Other

Unknown

Description for Other :

State prison

e. INJURIES

No

f. FATALITY

No

g. EVACUATION

No

h. CLEANUP BY:

Unknown

6. NOTIFICATION INFORMATION:

a. ON SCENE:

b. OTHER ON SCENE:

c. OTHER NOTIFIED:

None

d. ADMIN. AGENCY: Amador County

e. SEC. AGENCY:

Environmental Health

f. ADDITIONAL COUNTY: Sacramento County,

g. ADMIN. AGENCY: Sacramento County

San Joaquin County

Environmental Management, San Joaquin County

Environmental Health

h. NOTIFICATION LIST:

DOG Unit:

i. RWQCB Unit:

5B

AA/CUPA, DTSC, RWQCB, US EPA, USFWS, DFG-OSPR, CDPH-D.O., LANDS, Cal OES HAZMATUNIT, Cal OES PLANS UNIT, Cal OES REG, PARKS & REC, USCG, Co/WP, Co/Hlth, Co/E-Hlth

Photo Attachment:	
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***** **Control No: 19-0260** *****

Created by: Warning Center on: 01/11/2019 10:35:22 AM Last Modified by: Warning Center on: 01/11/2019 11:41:31 AM

Governor's Office Emergency Services

Hazardous Materials Spill Report

DATE: 01/14/2019 TIME: 1236	RECEIVED BY:	CONTROL#: Cal OES - 19-0305 NRC -
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1.a. PERSON NOTIFYING Cal OES:

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

Mule Creek State Prison

1.b. PERSON REPORTING SPILL (If different from above):

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

2. SUBSTANCE TYPE:

2. a. b.QTY:>=< Amount Measure c. TYPE: d. OTHER: e. PIPELINE f. VESSEL
SUBSTANCE: >= 300 Tons

1. Rain Water = 20,500,000 Gal(s) OTHER Rain WaterNo No
2. = No No
3. = No No

g. DESCRIPTION:

RP states: Storm water gates must be opened when it rains. The total amount released was 20,500,000 gallons which flows into the Mule Creek. The release has been stopped - start date of 01/05/19 at 1200 hours through 01/11/19 at 1230 hours.

h. i. WATER j. WATERWAY: k. DRINKING WATER
STOPPAGE/CONTAINMENT: INVOLVED: IMPACTED
Stopped Yes Mule Creek Unknown

l. KNOWN IMPACT Unknown

3. a. INCIDENT LOCATION: 4001 Highway 104

b. CITY: c. COUNTY: d. ZIP:

Ione Amador County AMADOR COUNTY APCD

4. INCIDENT DESCRIPTION:

a. DATE: b. TIME (Military): c. SITE: d. REPORTED CAUSE
01/11/2019 1230 Waterways Other
Description for Other : Weather

e. INJURIES f. FATALITY g. EVACUATION h. CLEANUP BY:
No No No Unrecoverable

6. NOTIFICATION INFORMATION:

a. ON SCENE: b. OTHER ON SCENE: c. OTHER NOTIFIED:

d. ADMIN. AGENCY: Amador County e. SEC. AGENCY:

Environmental Health

f. ADDITIONAL COUNTY: g. ADMIN. AGENCY:

h. NOTIFICATION LIST:

DOG Unit: i. RWQCB Unit:
5B

AA/CUPA, DTSC, RWQCB, US EPA, USFWS, DFG-OSPR, CDPH-D.O., DWP-DO, LANDS, Cal OES HAZMATUNIT, Cal OES PLANS UNIT, Cal OES REG, PARKS & REC, USCG, Co/WP, Co/Hlth, Co/E-Hlth

Photo Attachment:	
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***** Control No: 19-0305 *****

Created by: Warning Center on: 01/14/2019 12:36:16 PM Last Modified by: Warning Center on: 01/14/2019 12:46:44 PM

[PrevDoc](#) [NextDoc](#)

Governor's Office of Emergency Services Hazardous Material Spill Update

CONTROL#: 19-0305 NRC#

NOTIFY DATE/TIME: 01/14/2019 / 1236	RECEIVED BY: OCCURENCE DATE/TIME: 01/11/2019/1230	CITY/OP. AREA: Ione/Amador County AMADOR COUNTY APCD
--	---	---

1.a. PERSON NOTIFYING Cal OES:

AGENCY: Mule Creek State Prison	
--	--

1.b. PERSON REPORTING SPILL (If different from above):

AGENCY:	
----------------	--

SUBSTANCE TYPE:

a. SUBSTANCE:	b. QTY: Measure Amount	c. TYPE:	d. OTHER:	e. PIPELINE	f. VESSEL >= 300 Tons
1. Rain Water	20,500,000 Gal(s)	OTHER	Rain Water	No	No
2.				No	No
3.				No	No

Original Description: RP states: Storm water gates must be opened when it rains. The total amount released was 20,500,000 gallons which flows into the Mule Creek. The release has been stopped - start date of 01/05/19 at 1200 hours through 01/11/19 at 1230 hours.

PERSON NOTIFYING Cal OES OF SPILL UPDATE:

NAME:	AGENCY:	PHONE#:	Ext:	PAG/CELL:
	Mule Creek State Prison			

**UPDATE QUANTITY Measure
Amount**

1. 1,900,000	Gal(s)
2.	
3.	
4.	

UPDATE KNOWN IMPACT:	
UPDATE CAUSE:	

SITUATION UPDATE:

Rp states that actual ammount of material released was 1.9 million gallons.

FAX NOTIFICATION LIST:

AA/CUPA, DFG-OSPR, DTSC, RWQCB, US EPA, USFWS, CDPH-D.O., DWP-DO, LANDS, Cal OES HAZMATUNIT, Cal OES PLANS UNIT, Cal OES REG, PARKS & REC, USCG, Co/WP, Co/Hlth, Co/E-Hlth

ADMINISTERING AGENCY: Amador County Environmental Health

SECONDARY AGENCY:

ADDITIONAL COUNTIES:

ADDITIONAL ADMIN. AGENCY:

DOG Unit:

OTHER NOTIFIED:

RWQCB Unit: 5B

CONFIRMATION REQUEST:

**FAX NOTIFICATION
LIST:**

**ADMINISTERING
AGENCY:**

ADDITIONAL ADMIN.

AGENCY: Case 2:20-cv-02482-WBS-AC Document 1 Filed 12/15/20 Page 58 of 85

SECONDARY AGENCY:

ADDITIONAL

COUNTIES:

Cal GEM:

RWQCB Unit:

Created by: Warning Center on: 01/14/2019 01:06:01 PM Last Modified by: Warning Center on: 01/14/2019 01:08:53 PM

***** End of Form *****

Governor's Office Emergency Services

Hazardous Materials Spill Report

DATE: 01/22/2019 TIME: 1307	RECEIVED BY:	CONTROL#: Cal OES - 19-0534 NRC -
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1.a. PERSON NOTIFYING Cal OES:

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

Mule Creek State Prison

1.b. PERSON REPORTING SPILL (If different from above):

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

2. SUBSTANCE TYPE:

2. a. b.QTY: >=< Amount Measure c. TYPE: d. OTHER: e. PIPELINE f. VESSEL
SUBSTANCE: >= 300 Tons

1. Storm Water = 3,539,503 Gal(s) UNSPECIFIED No No
2. = No No
3. = No No

g. DESCRIPTION:

RP states: Storm gates opened due to storm surge, storm water released into Mule Creek. Gates were opened 01/15/19 at 1230 hours closed 01/18/19 at 1200 hours. Release is unrecoverable. Action is part of normal operating procedures during rain events.

h. i. WATER j. WATERWAY: k. DRINKING WATER
STOPPAGE/CONTAINMENT: INVOLVED: IMPACTED
Stopped, Contained Yes Mule Creek No

l. KNOWN IMPACT

None

3. a. INCIDENT LOCATION: 4001 Highway 104

b. CITY: c. COUNTY: d. ZIP:
Ione Amador County 95640

AMADOR COUNTY APCD

4. INCIDENT DESCRIPTION:

a. DATE: b. TIME (Military): c. SITE: d. REPORTED CAUSE
01/15/2019 1230 Other
Description for Other : Prison Description for Other : Storm Surge

e. INJURIES

No

f. FATALITY

No

g. EVACUATION

No

h. CLEANUP BY:

Unrecoverable

6. NOTIFICATION INFORMATION:

a. ON SCENE: b. OTHER ON SCENE: c. OTHER NOTIFIED:

d. ADMIN. AGENCY: Amador County
Environmental Health

e. SEC. AGENCY:

f. ADDITIONAL COUNTY:

g. ADMIN. AGENCY:

h. NOTIFICATION LIST:

DOG Unit:

i. RWQCB Unit:

5B

AA/CUPA, DTSC, RWQCB, US EPA, USFWS, DFG-OSPR, LANDS, PARKS & REC

Photo Attachment:	
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***** Control No: 19-0534 *****

Created by: Warning Center on: 01/22/2019 01:07:08 PM Last Modified by: Warning Center on: 01/22/2019 01:17:13 PM

Governor's Office Emergency Services

Hazardous Materials Spill Report

DATE: 01/22/2019 TIME: 1313	RECEIVED BY:	CONTROL#: Cal OES - 19-0535 NRC -
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1.a. PERSON NOTIFYING Cal OES:

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

Mule Creek State Prison

1.b. PERSON REPORTING SPILL (If different from above):

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

2. SUBSTANCE TYPE:

2. a. b.QTY:>=<Amount Measure c. TYPE: d. OTHER: e. PIPELINE f. VESSEL
SUBSTANCE: >= 300 Tons

1. Storm Water= 433,859 Gal(s) UNSPECIFIED No No
2. = No No
3. = No No

g. DESCRIPTION:

RP states: Storm gates opened due to storm surge, storm water released into Mule Creek. Gates were opened 01/19/19 at 1200 hours closed 01/22/19 at 0840 hours. Release is unrecoverable. Action is part of normal operating procedures during rain events.

h. i. WATER j. WATERWAY: k. DRINKING WATER
STOPPAGE/CONTAINMENT: INVOLVED: IMPACTED
Stopped, Contained Yes Mule Creek No

l. KNOWN IMPACT

None

3. a. INCIDENT LOCATION: 4001 Highway 104

b. CITY: c. COUNTY: d. ZIP:
Ione Amador County 95640

AMADOR COUNTY APCD

4. INCIDENT DESCRIPTION:

a. DATE: b. TIME (Military): c. SITE: d. REPORTED CAUSE
01/19/2019 1200 Other
Description for Other : Description for Other : Storm Surge

e. INJURIES

No

f. FATALITY

No

g. EVACUATION

No

h. CLEANUP BY:

Unknown

6. NOTIFICATION INFORMATION:

a. ON SCENE: b. OTHER ON SCENE: c. OTHER NOTIFIED:

d. ADMIN. AGENCY: Amador County
Environmental Health

e. SEC. AGENCY:

f. ADDITIONAL COUNTY:

g. ADMIN. AGENCY:

h. NOTIFICATION LIST:

DOG Unit:

i. RWQCB Unit:

5B

AA/CUPA, DTSC, RWQCB, US EPA, USFWS, DFG-OSPR, LANDS, PARKS & REC

Photo Attachment:	
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***** Control No: 19-0535 *****

Created by: Warning Center on: 01/22/2019 01:13:08 PM Last Modified by: Warning Center on: 01/22/2019 01:17:18 PM

Governor's Office Emergency Services

Hazardous Materials Spill Report

DATE: 02/11/2019 TIME: 1412	RECEIVED BY:	CONTROL#: Cal OES - 19-0976 NRC -
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1.a. PERSON NOTIFYING Cal OES:

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

Mule Creek State Prison

1.b. PERSON REPORTING SPILL (If different from above):

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

2. SUBSTANCE TYPE:

2. a. b.QTY: >=< Amount Measure c. TYPE: d. OTHER: e. PIPELINE f. VESSEL
SUBSTANCE: >= 300 Tons

1. Storm Water = 1,464,250 Gal(s) OTHER Rain Water No No
2. = No Yes
3. = No Yes

g. DESCRIPTION:

RP states: Storm water gates were opened on 02/08/19 at 1230 hours and closed on 02/11/19 at 1130 hours. This resulted in the release of 1,464,250 gallons of storm water into the Mule Creek.

h. i. WATER j. WATERWAY: k. DRINKING WATER
STOPPAGE/CONTAINMENT: INVOLVED: IMPACTED
Stopped, Not contained Yes Mule Creek Unknown

l. KNOWN IMPACT None

3. a. INCIDENT LOCATION: 4001 Hwy. 104

b. CITY: c. COUNTY: d. ZIP: AMADOR COUNTY APCD
Ione Amador County 95640

4. INCIDENT DESCRIPTION:

a. DATE: b. TIME (Military): c. SITE: d. REPORTED CAUSE
02/11/2019 1130 Waterways Other
Description for Other : Storm

e. INJURIES f. FATALITY g. EVACUATION h. CLEANUP BY:
No No No Unrecoverable

6. NOTIFICATION INFORMATION:

a. ON SCENE: b. OTHER ON SCENE: c. OTHER NOTIFIED:

d. ADMIN. AGENCY: Amador County e. SEC. AGENCY:

Environmental Health

f. ADDITIONAL COUNTY:

g. ADMIN. AGENCY:

h. NOTIFICATION LIST:

DOG Unit: i. RWQCB Unit:
5B

AA/CUPA, DTSC, RWQCB, US EPA, USFWS, DFG-OSPR, COASTAL COM, CDPH-D.O., DWP-DO, LANDS, PARKS & REC,
USCG, Co/WP, Co/Hlth, Co/E-Hlth

Photo Attachment:	
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***** Control No: 19-0976 *****

Created by: Warning Center on: 02/11/2019 02:12:38 PM Last Modified by: Warning Center on: 02/11/2019 02:21:41 PM

Governor's Office Emergency Services

Hazardous Materials Spill Report

DATE: 02/19/2019 TIME: 1044	RECEIVED BY:	CONTROL#: Cal OES - 19-1218 NRC -
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1.a. PERSON NOTIFYING Cal OES:

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

Mule Creek State Prison

1.b. PERSON REPORTING SPILL (If different from above):

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

2. SUBSTANCE TYPE:

2. a. b.QTY: >=< Amount Measure c. TYPE: d. OTHER: e. PIPELINE f. VESSEL
SUBSTANCE: >= 300 Tons

1. Water, storm = 4,118,125 Gal(s) OTHER Storm water No No

2. = No No

3. = No No

g. DESCRIPTION:

Historical Report The facility's storm water gate was opened by staff on 02/12/2019 due to recent rain activity. An estimated 4,118,125 gallons of storm water was discharged from the system and into Mule Creek. The storm water gate was closed on 02/18/2019 and has remained closed. ***Historical Report***

h. STOPPAGE/CONTAINMENT: INVOLVED: i. WATER j. WATERWAY: k. DRINKING WATER IMPACTED

Stopped, Not contained

Yes

Mule Creek

No

I. KNOWN IMPACT

Unknown

3. a. INCIDENT LOCATION: 4001 Highway 104

b. CITY:

Ione

c. COUNTY:

Amador County

d. ZIP:

95640

AMADOR COUNTY APCD

4. INCIDENT DESCRIPTION:

a. DATE:

02/12/2019

b. TIME (Military):

1445

c. SITE:

Other

d. REPORTED CAUSE

Other

Description for Other : Description for Other :
Prison Inclement weather

e. INJURIES

No

f. FATALITY

No

g. EVACUATION

No

h. CLEANUP BY:

Unknown

6. NOTIFICATION INFORMATION:

a. ON SCENE:

b. OTHER ON SCENE:

c. OTHER NOTIFIED:

None

d. ADMIN. AGENCY: Amador County

Environmental Health

e. SEC. AGENCY:

f. ADDITIONAL COUNTY: San Joaquin County

g. ADMIN. AGENCY: San Joaquin County

Environmental Health

h. NOTIFICATION LIST:

DOG Unit:

i. RWQCB Unit:

5B

AA/CUPA, DTSC, RWQCB, US EPA, USFWS, DFG-OSPR, CDPH-D.O., LANDS, Cal OES REG, PARKS & REC, USCG, Co/WP,
Co/Hlth, Co/E-Hlth

Photo Attachment:	
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***** Control No: 19-1218 *****

Governor's Office Emergency Services

Hazardous Materials Spill Report

DATE: 03/07/2019 TIME: 1431	RECEIVED BY:	CONTROL#: Cal OES - 19-1622 NRC -
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1.a. PERSON NOTIFYING Cal OES:

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:
Mule Creek Prison

1.b. PERSON REPORTING SPILL (If different from above):

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

2. SUBSTANCE TYPE:

2. a. SUBSTANCE:	b. QTY: >=< Amount	Measure	c. TYPE:	d. OTHER:	e. PIPELINE	f. VESSEL
1. Storm Water =	4,980,248	Gal(s)	OTHER	Storm Water	No	No
2. =					No	No
3. =					No	No

g. DESCRIPTION:

RP states, On February 24th at 1130 hours, the storm gates were opened due to the storms that impacted California. This continued through today, 03/07/19 at 1400 hours. The estimated amount of storm water released through this time period is 4,980,248 gallons. The storm water release impacts Mule Creek. It is currently unknown if drinking water will be impacted by this incident. The released material is unrecoverable.

h. STOPPAGE/CONTAINMENT: Stopped
i. WATER INVOLVED: Yes
j. WATERWAY: Mule Creek
k. DRINKING WATER IMPACTED: Unknown

l. KNOWN IMPACT

3. a. INCIDENT LOCATION: 4001 Highway 104

b. CITY: Lone
c. COUNTY: Amador County
d. ZIP: 95640

AMADOR COUNTY APCD

4. INCIDENT DESCRIPTION:

a. DATE: 02/24/2019	b. TIME (Military): 1130	c. SITE: Other Description for Other : Prison	d. REPORTED CAUSE: Other Description for Other : Weather Related
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e. INJURIES

No

f. FATALITY

No

g. EVACUATION

No

h. CLEANUP BY:

Unrecoverable

6. NOTIFICATION INFORMATION:

a. ON SCENE: b. OTHER ON SCENE: c. OTHER NOTIFIED:

d. ADMIN. AGENCY: Amador County
Environmental Health

e. SEC. AGENCY:

f. ADDITIONAL COUNTY:

g. ADMIN. AGENCY:

h. NOTIFICATION LIST:

DOG Unit:

i. RWQCB Unit:
5B

AA/CUPA, DTSC, RWQCB, US EPA, USFWS, DFG-OSPR, DWP-DO, LANDS, PARKS & REC, Co/E-Hlth

Photo Attachment:

***** Control No: 19-1622 *****

Created by: Warning Center on: 03/07/2019 02:31:16 PM Last Modified by: Warning Center on: 03/07/2019 02:41:20 PM

Governor's Office Emergency Services

Hazardous Materials Spill Report

DATE: 03/29/2019 TIME: 1053	RECEIVED BY:	CONTROL#: Cal OES - 19-2092 NRC -
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1.a. PERSON NOTIFYING Cal OES:

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

Mule Creek State Prison

1.b. PERSON REPORTING SPILL (If different from above):

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

2. SUBSTANCE TYPE:

2. a. b.QTY:>=< Amount Measure c. TYPE: d. OTHER: e. PIPELINE f. VESSEL
SUBSTANCE: >= 300 Tons

1. Storm Water = 2,690,092 Gal(s) OTHER Storm Water No No

2. = No No

3. = No No

g. DESCRIPTION:

RP states 2,690,092 gallons of storm water released due to rain. The release is a common occurrence and conducted to prevent flooding. The storm water gates were opened on 03/19/2019 at 1515 hrs. and closed 03/28/2019 at 1430 hrs. The released storm water flows into Mule Creek.

h. i. WATER j. WATERWAY: k. DRINKING WATER
STOPPAGE/CONTAINMENT: INVOLVED: IMPACTED
Stopped Yes Mule Creek Unknown

l. KNOWN IMPACT None

3. a. INCIDENT LOCATION: 4001 HWY 104

b. CITY: c. COUNTY: d. ZIP: AMADOR COUNTY APCD
Ione Amador County 95640

4. INCIDENT DESCRIPTION:

a. DATE: b. TIME (Military): c. SITE: d. REPORTED CAUSE
03/19/2019 1515 Other
Description for Other : Description for Other : Rain
Prison Event

e. INJURIES f. FATALITY g. EVACUATION h. CLEANUP BY:
No No No Unnecessary

6. NOTIFICATION INFORMATION:

a. ON SCENE: b. OTHER ON SCENE: c. OTHER NOTIFIED:

d. ADMIN. AGENCY: Amador County e. SEC. AGENCY:
Environmental Health

f. ADDITIONAL COUNTY: g. ADMIN. AGENCY:

h. NOTIFICATION LIST:

DOG Unit: i. RWQCB Unit:
5B

AA/CUPA, DTSC, RWQCB, US EPA, USFWS, DFG-OSPR, CDPH-D.O., DWP-DO, LANDS, PARKS & REC, Co/Hlth, Co/E-Hlth

Photo Attachment:	
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***** Control No: 19-2092 *****

Created by: Warning Center on: 03/29/2019 10:53:45 AM Last Modified by: Warning Center on: 03/29/2019 11:03:21 AM

Governor's Office Emergency Services

Hazardous Materials Spill Report

DATE: 04/08/2019 TIME: 1500	RECEIVED BY:	CONTROL#: Cal OES - 19-2312 NRC -
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1.a. PERSON NOTIFYING Cal OES:

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

Mule Creek Prison

1.b. PERSON REPORTING SPILL (If different from above):

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

2. SUBSTANCE TYPE:

2. a. b.QTY:>=< Amount Measure c. TYPE: d. OTHER: e. PIPELINE f. VESSEL
SUBSTANCE: >= 300 Tons

1. Storm Water = 700,555 Gal(s) OTHER Storm Water No No

2. = No No

3. = No No

g. DESCRIPTION:

Per the caller the release occurred due to the storm water gates being opened for the upcoming storm on 4/1/19 and closed 04/05/19. Per the caller the release is stopped and contained. Per the caller the release did enter Mule Creek.

h. i. WATER j. WATERWAY: k. DRINKING WATER
STOPPAGE/CONTAINMENT: INVOLVED: IMPACTED

Stopped, Contained Yes Mule Creek No

l. KNOWN IMPACT None

3. a. INCIDENT LOCATION: 4001 Hwy 104

b. CITY: c. COUNTY: d. ZIP:

Ione Amador County AMADOR COUNTY APCD

4. INCIDENT DESCRIPTION:

a. DATE: b. TIME (Military): c. SITE: d. REPORTED CAUSE
04/01/2019 1035 Other Overflow

Description for Other
: Prison

e. INJURIES f. FATALITY g. EVACUATION h. CLEANUP BY:
No No Unknown Unrecoverable

6. NOTIFICATION INFORMATION:

a. ON SCENE: b. OTHER ON SCENE: c. OTHER NOTIFIED:

d. ADMIN. AGENCY: Amador County e. SEC. AGENCY:

Environmental Health

f. ADDITIONAL COUNTY: g. ADMIN. AGENCY:

h. NOTIFICATION LIST:

DOG Unit: i. RWQCB Unit:

5B

AA/CUPA, DTSC, RWQCB, US EPA, USFWS, DFG-OSPR, LANDS, PARKS & REC, Co/Hlth, Co/E-Hlth

Photo Attachment:	
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***** Control No: 19-2312 *****

Created by: Warning Center on: 04/08/2019 03:00:06 PM Last Modified by: Warning Center on: 04/08/2019 03:05:30 PM

Governor's Office Emergency Services

Hazardous Materials Spill Report

DATE: 04/17/2019 TIME: 0951	RECEIVED BY:	CONTROL#: Cal OES - 19-2494 NRC -
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1.a. PERSON NOTIFYING Cal OES:

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

Mule Creek State Prison

1.b. PERSON REPORTING SPILL (If different from above):

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

2. SUBSTANCE TYPE:

2. a. SUBSTANCE:	b. QTY: >=< Amount	Measure	c. TYPE:	d. OTHER:	e. PIPELINE	f. VESSEL
1. Water - Storm Type	=	1,097,277	Gal(s)	OTHER	Rain water No	>= 300 Tons No
2.	=				No	No
3.	=				No	No

g. DESCRIPTION:

During a weather event the storm water gates were opened causing the release, material flowed onto a soil spill way then went directly into the waterway, RP handled the containment and no clean up required.

h. STOPPAGE/CONTAINMENT:	i. WATER INVOLVED:	j. WATERWAY:	k. DRINKING WATER IMPACTED:
Stopped, Contained	Yes	Mule Creek	No

l. KNOWN IMPACT

None

3. a. INCIDENT LOCATION: 4001 Hwy 104

b. CITY:	c. COUNTY:	d. ZIP:
Ione	Amador County	95640

AMADOR COUNTY APCD

4. INCIDENT DESCRIPTION:

a. DATE:	b. TIME (Military):	c. SITE:	d. REPORTED CAUSE
04/16/2019	0635-1400	Other	Other
		Description for Other : Prison	Description for Other : Natural Phenomenon

e. INJURIES

No

f. FATALITY

No

g. EVACUATION

No

h. CLEANUP BY:

N/A

6. NOTIFICATION INFORMATION:

a. ON SCENE:	b. OTHER ON SCENE:	c. OTHER NOTIFIED:
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d. ADMIN. AGENCY: Amador County
Environmental Health

e. SEC. AGENCY:

f. ADDITIONAL COUNTY:

g. ADMIN. AGENCY:

h. NOTIFICATION LIST:

DOG Unit:

i. RWQCB Unit:

5B

AA/CUPA, DTSC, RWQCB, US EPA, USFWS, DFG-OSPR, LANDS, PARKS & REC, Co/Hlth, Co/E-Hlth

Photo Attachment:	
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***** Control No: 19-2494 *****

Created by: Warning Center on: 04/17/2019 09:51:12 AM Last Modified by: Warning Center on: 04/17/2019 10:01:08 AM

Governor's Office Emergency Services

Hazardous Materials Spill Report

DATE: 05/23/2019 TIME: 1413	RECEIVED BY:	CONTROL#: Cal OES - 19-3340 NRC -
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1.a. PERSON NOTIFYING Cal OES:

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

Mule Creek State Prison

1.b. PERSON REPORTING SPILL (If different from above):

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

2. SUBSTANCE TYPE:

2. a.	b.QTY:>=< Amount	Measure	c. TYPE:	d. OTHER:	e. PIPELINE	f. VESSEL
SUBSTANCE:						>= 300 Tons
1. Rain Water	= 4418240	Gal(s)	OTHER	Rain Water	No	No
2.	=				No	No
3.	=				No	No

g. DESCRIPTION:

Per the caller the release occurred due to the outfall gates being opened in preparation for the storm. Per the caller the gates were opened 05/15/19 at 1530 and closed 05/22/19 at 1500. Per the caller the run off did enter Mule Creek

h. STOPPAGE/CONTAINMENT: INVOLVED:

Not stopped, Not contained

i. WATER

Yes

j. WATERWAY:

Mule Creek

k. DRINKING WATER IMPACTED

No

1. KNOWN IMPACT

None

3. a. INCIDENT LOCATION: 4001 Hwy 104

b. CITY:

Ione

c. COUNTY:

Amador County

d. ZIP:

AMADOR COUNTY APCD

4. INCIDENT DESCRIPTION:

a. DATE:

05/15/2019

b. TIME (Military):

1530

c. SITE:

Other

d. REPORTED CAUSE

Overflow

Description for Other
: Prison

e. INJURIES

No

f. FATALITY

No

g. EVACUATION

No

h. CLEANUP BY:

Unrecoverable

6. NOTIFICATION INFORMATION:

a. ON SCENE:

b. OTHER ON SCENE:

c. OTHER NOTIFIED:

d. ADMIN. AGENCY: Amador County

e. SEC. AGENCY:

Environmental Health

f. ADDITIONAL COUNTY: Amador County,

Tuolumne County

g. ADMIN. AGENCY: Amador County

Environmental Health, Tuolumne County Environmental Division

h. NOTIFICATION LIST:

DOG Unit:

i. RWQCB Unit:

5B

AA/CUPA, DTSC, RWQCB, US EPA, USFWS, DFG-OSPR, LANDS, PARKS & REC, Co/WP, Co/Hlth, Co/E-Hlth

Photo Attachment:	
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***** Control No: 19-3340 *****

Created by: Warning Center on: 05/23/2019 02:13:31 PM Last Modified by: Warning Center on: 05/23/2019 02:20:47 PM

https://w3.calema.ca.gov/operational/mal haz.nsf/f1841a103c102734882563e200760c4a/071fc9520dd8e078825840300749852?OpenDocument&Hig... 1/1

Governor's Office Emergency Services

Hazardous Materials Spill Report

DATE: 07/13/2019 TIME: 1148	RECEIVED BY:	CONTROL#: Cal OES - 19-4475 NRC -
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1.a. PERSON NOTIFYING Cal OES:

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

Mule Creek State Prison

1.b. PERSON REPORTING SPILL (If different from above):

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

2. SUBSTANCE TYPE:

2. a.	b.QTY:>=< Amount	Measure	c. TYPE:	d. OTHER:	e. PIPELINE	f. VESSEL
SUBSTANCE:						>= 300 Tons
1. Treated Effluent	= 10,000	Gal(s)	OTHER	Recycled Water	No	No
2.	=				No	No
3.	=				No	Yes

g. DESCRIPTION:

RP states: During irrigation a water line broke and released 10,000 gallons of treated effluent (recycled water) to the ground and approximately 5,000 gallons entered Mule Creek. Release is stopped and unrecoverable.

h.	i. WATER	j. WATERWAY:	k. DRINKING WATER
STOPPAGE/CONTAINMENT: INVOLVED:			IMPACTED
Stopped, Contained	Yes	Mule Creek	No

I. KNOWN IMPACT

None

3. a. INCIDENT LOCATION: 4001 Highway 104

b. CITY:	c. COUNTY:	d. ZIP:
Ione	Amador County	95640

AMADOR COUNTY APCD

4. INCIDENT DESCRIPTION:

a. DATE:	b. TIME (Military):	c. SITE:	d. REPORTED CAUSE
07/13/2019	0951	Other	Broken Pipe
		Description for Other	
		: Prison	

e. INJURIES

No

f. FATALITY

No

g. EVACUATION

No

h. CLEANUP BY:

Unrecoverable

6. NOTIFICATION INFORMATION:

a. ON SCENE:	b. OTHER ON SCENE:	c. OTHER NOTIFIED:
d. ADMIN. AGENCY: Amador County		e. SEC. AGENCY:
Environmental Health		
f. ADDITIONAL COUNTY:		g. ADMIN. AGENCY:
h. NOTIFICATION LIST:		
DOG Unit:	i. RWQCB Unit:	
	5B	

AA/CUPA, DTSC, RWQCB, US EPA, USFWS, DFG-OSPR, LANDS, PARKS & REC

Photo Attachment:	
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***** Control No: 19-4475 *****

Created by: Warning Center on: 07/13/2019 11:48:24 AM Last Modified by: Warning Center on: 07/13/2019 11:53:39 AM

Governor's Office Emergency Services

Hazardous Materials Spill Report

DATE: 09/17/2019 TIME: 1510	RECEIVED BY:	CONTROL#: Cal OES - 19-6029 NRC -
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1.a. PERSON NOTIFYING Cal OES:

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

Mule Creek State Prison

1.b. PERSON REPORTING SPILL (If different from above):

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

2. SUBSTANCE TYPE:

2. a. b.QTY:>=< Amount Measure c. TYPE: d. OTHER: e. PIPELINE f. VESSEL
SUBSTANCE: >= 300 Tons

1. Storm Water = 253,701 Gal(s) OTHER Storm Water No No

2. = No No

3. = No No

g. DESCRIPTION:

RP advised that it rained causing him to open the storm drain at 1120 hours and closing it at 1510 hours, releasing the Storm Water into Mule Creek.

h. i. WATER j. WATERWAY: k. DRINKING WATER

STOPPAGE/CONTAINMENT: INVOLVED:

Stopped, Contained

Yes

Mule Creek

No

I. KNOWN IMPACT

None

3. a. INCIDENT LOCATION: 4001 Highway 104

b. CITY:

Ione

c. COUNTY:

Amador County

d. ZIP:

95640

AMADOR COUNTY APCD

4. INCIDENT DESCRIPTION:

a. DATE:

09/16/2019

b. TIME (Military):

1120

c. SITE:

Other

Description for Other : Prison

d. REPORTED CAUSE

Other

Description for Other : Rain

e. INJURIES

No

f. FATALITY

No

g. EVACUATION

No

h. CLEANUP BY:

Unrecoverable

6. NOTIFICATION INFORMATION:

a. ON SCENE:

b. OTHER ON SCENE:

c. OTHER NOTIFIED:

d. ADMIN. AGENCY: Amador County

e. SEC. AGENCY:

Environmental Health

f. ADDITIONAL COUNTY:

g. ADMIN. AGENCY:

h. NOTIFICATION LIST:

DOG Unit:

i. RWQCB Unit:

5B

AA/CUPA, DTSC, RWQCB, US EPA, USFWS, DFG-OSPR, LANDS, PARKS & REC, Co/WP, Co/Hlth, Co/E-Hlth

Photo Attachment:	
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***** Control No: 19-6029 *****

Created by: Warning Center on: 09/17/2019 03:10:22 PM Last Modified by: Warning Center on: 09/17/2019 03:29:36 PM

Governor's Office Emergency Services

Hazardous Materials Spill Report

DATE: 09/19/2019 TIME: 0913	RECEIVED BY:	CONTROL#: Cal OES - 19-6066 NRC -
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1.a. PERSON NOTIFYING Cal OES:

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

Mule Creek State Prison

1.b. PERSON REPORTING SPILL (If different from above):

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

2. SUBSTANCE TYPE:

2. a. b.QTY:>=< Amount Measure c. TYPE: d. OTHER: e. PIPELINE f. VESSEL
SUBSTANCE: >= 300 Tons

1. Storm Water = 65,685 Gal(s) OTHER Rain WaterNo No
2. = No No
3. = No No

g. DESCRIPTION:

RP advised that due to the rain they opened the outfalls gates on 09/18/2019 at 1240 closing them on 09/18/2019 at 1530 releasing Storm Water into Mule Creek.

h. STOPPAGE/CONTAINMENT: INVOLVED:

Stopped, Not contained

i. WATER

Yes

j. WATERWAY:

Mule Creek

k. DRINKING WATER

IMPACTED

Unknown

I. KNOWN IMPACT

None

3. a. INCIDENT LOCATION: 4001 Hwy 104

b. CITY:

Ione

c. COUNTY:

Amador County

d. ZIP:

95640

AMADOR COUNTY APCD

4. INCIDENT DESCRIPTION:

a. DATE:

09/18/2019

b. TIME (Military):

1240

c. SITE:

Other

d. REPORTED CAUSE

Unknown

Description for Other
: Prison

e. INJURIES

No

f. FATALITY

No

g. EVACUATION

No

h. CLEANUP BY:

Unrecoverable

6. NOTIFICATION INFORMATION:

a. ON SCENE:

b. OTHER ON SCENE:

c. OTHER NOTIFIED:

d. ADMIN. AGENCY: Amador County

e. SEC. AGENCY:

Environmental Health

f. ADDITIONAL COUNTY:

g. ADMIN. AGENCY:

h. NOTIFICATION LIST:

DOG Unit:

i. RWQCB Unit:

5B

AA/CUPA, DTSC, RWQCB, US EPA, USFWS, DFG-OSPR, DWP-DO, LANDS, PARKS & REC, Co/WP, Co/Hlth, Co/E-Hlth

Photo Attachment:	
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***** Control No: 19-6066 *****

Created by: Warning Center on: 09/19/2019 09:13:04 AM Last Modified by: Warning Center on: 09/19/2019 09:21:22 AM

Governor's Office Emergency Services

Hazardous Materials Spill Report

DATE: 11/19/2019 TIME: 1208	RECEIVED BY:	CONTROL#: Cal OES - 19-7431 NRC -
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1.a. PERSON NOTIFYING Cal OES:

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

Castle Oaks Golf Club

1.b. PERSON REPORTING SPILL (If different from above):

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

2. SUBSTANCE TYPE:

2. a. SUBSTANCE:	b. QTY: >=< Amount	Measure	c. TYPE:	d. OTHER:	e. PIPELINE	f. VESSEL
						>= 300 Tons
1. Irrigation Water	=	10,000-20,000 Gal(s)	OTHER	Water	No	No
2.	=				No	No
3.	=				No	No

g. DESCRIPTION:

RP states that a pond overflowed because the pump was left on for too long after the PSPS event. Released into the Mule creek. Release is unrecoverable.

h. STOPPAGE/CONTAINMENT: INVOLVED: Stopped, Contained

i. WATER j. WATERWAY: k. DRINKING WATER IMPACTED

Yes Mule Creek No

I. KNOWN IMPACT

None

3. a. INCIDENT LOCATION: 1000 Castle Oaks Drive

b. CITY: c. COUNTY: d. ZIP:

Ione Amador County 95640

AMADOR COUNTY APCD

4. INCIDENT DESCRIPTION:

a. DATE: 11/04/2019	b. TIME (Military): 2000	c. SITE: Merchant/Business, Waterways	d. REPORTED CAUSE: Overflow
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e. INJURIES

No

f. FATALITY

No

g. EVACUATION

No

h. CLEANUP BY:

Unrecoverable

6. NOTIFICATION INFORMATION:

a. ON SCENE: Other	b. OTHER ON SCENE: Water board, Amador Health Department	c. OTHER NOTIFIED:
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d. ADMIN. AGENCY: Amador County Environmental Health

e. SEC. AGENCY:

f. ADDITIONAL COUNTY:

g. ADMIN. AGENCY:

h. NOTIFICATION LIST:

DOG Unit:

i. RWQCB Unit:

5B

AA/CUPA, DTSC, RWQCB, US EPA, USFWS, DFG-OSPR, LANDS, PARKS & REC, Co/WP, Co/Hlth, Co/E-Hlth

Photo Attachment:	
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***** Control No: 19-7431 *****

Created by: Warning Center on: 11/19/2019 12:08:08 PM Last Modified by: Warning Center on: 11/19/2019 12:17:39 PM

Governor's Office Emergency Services

Hazardous Materials Spill Report

DATE: 12/10/2019 TIME: 1321	RECEIVED BY:	CONTROL#: Cal OES - 19-7881 NRC -
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1.a. PERSON NOTIFYING Cal OES:

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

Mule Creek State Prison

1.b. PERSON REPORTING SPILL (If different from above):

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

2. SUBSTANCE TYPE:

2. a.	b.QTY:>=< Amount	Measure	c. TYPE:	d. OTHER:	e. PIPELINE	f. VESSEL
SUBSTANCE:						>= 300 Tons
1. Storm Water =	5,981,830	Gal(s)	OTHER	Rain Water	No	No
2. =					No	No
3. =					No	No

g. DESCRIPTION:

RP is calling from the Mule Creek State Prison, they must open and close their storm gates when it rains, releasing rain water into the near by creek. The storm gates were opened for two weeks, 14 days. Opened: Nov 26th @ 1130 hours, Closed Dec 9th @ 1140 hours.

h.	i. WATER	j. WATERWAY:	k. DRINKING WATER
STOPPAGE/CONTAINMENT:	INVOLVED:		IMPACTED
Stopped, Contained	Yes	Mule Creek	No

1. KNOWN IMPACT

None

3. a. INCIDENT LOCATION: 4001 Hwy 104

b. CITY:	c. COUNTY:	d. ZIP:
Ione	Amador County	95640

AMADOR COUNTY APCD

4. INCIDENT DESCRIPTION:

a. DATE:	b. TIME (Military):	c. SITE:	d. REPORTED CAUSE
12/10/2019	1325	Waterways	Other
			Description for Other : Rain

e. INJURIES

No

f. FATALITY

No

g. EVACUATION

No

h. CLEANUP BY:

Unrecoverable

6. NOTIFICATION INFORMATION:

a. ON SCENE:	b. OTHER ON SCENE:	c. OTHER NOTIFIED:
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d. ADMIN. AGENCY: Amador County
Environmental Health

e. SEC. AGENCY:

f. ADDITIONAL COUNTY:

g. ADMIN. AGENCY:

h. NOTIFICATION LIST:

DOG Unit:

i. RWQCB Unit:

5B

AA/CUPA, DTSC, RWQCB, US EPA, USFWS, DFG-OSPR, LANDS, Cal OES HAZMATUNIT, Cal OES PLANS UNIT, Cal OES REG, PARKS & REC, Co/WP, Co/Hlth, Co/E-Hlth

Photo Attachment:

***** Control No: 19-7881 *****

Created by: Warning Center on: 12/10/2019 01:21:29 PM Last Modified by: Warning Center on: 12/10/2019 01:41:31 PM

Governor's Office Emergency Services

Hazardous Materials Spill Report

DATE: 12/23/2019 TIME: 1255	RECEIVED BY:	CONTROL#: Cal OES - 19-8203 NRC -
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1.a. PERSON NOTIFYING Cal OES:

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

Mule Creek State Prison

1.b. PERSON REPORTING SPILL (If different from above):

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

2. SUBSTANCE TYPE:

2. a. b.QTY:>=< Amount Measure c. TYPE: d. OTHER: e. PIPELINE f. VESSEL
SUBSTANCE: >= 300 Tons

1. Storm Water = 272,547 Gal(s) OTHER Storm Water Run Off No No

2. = No No

3. = No No

g. DESCRIPTION:

RP States: Out fall gates were opened on 12/22/19 at 0850 hours and closed on 12/23/19 at 0730 hours. The release of 272,547 gallons of storm water occurred which flowed into Mule Creek. The release has been stopped and is unrecoverable.

h. STOPPAGE/CONTAINMENT: INVOLVED: i. WATER j. WATERWAY: k. DRINKING WATER IMPACTED

Stopped, Not contained Yes Mule Creek Unknown

l. KNOWN IMPACT None

3. a. INCIDENT LOCATION: 4001 Highway 104

b. CITY: c. COUNTY: d. ZIP:

Ione Amador County 95640 AMADOR COUNTY APCD

4. INCIDENT DESCRIPTION:

a. DATE: 12/22/2019 b. TIME (Military): 0850 c. SITE: Waterways d. REPORTED CAUSE: Other
Description for Other : Weather

e. INJURIES f. FATALITY g. EVACUATION h. CLEANUP BY:

No No No Unrecoverable

6. NOTIFICATION INFORMATION:

a. ON SCENE: b. OTHER ON SCENE: c. OTHER NOTIFIED:

d. ADMIN. AGENCY: Amador County e. SEC. AGENCY:

Environmental Health

f. ADDITIONAL COUNTY: g. ADMIN. AGENCY:

h. NOTIFICATION LIST:

DOG Unit: i. RWQCB Unit: 5B

AA/CUPA, DTSC, RWQCB, US EPA, USFWS, DFG-OSPR, DWP-DO, LANDS, PARKS & REC, Co/WP, Co/Hlth, Co/E-Hlth

Photo Attachment:	
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***** Control No: 19-8203 *****

Created by: Warning Center on: 12/23/2019 12:55:27 PM Last Modified by: Warning Center on: 12/23/2019 01:07:24 PM

Governor's Office Emergency Services

Hazardous Materials Spill Report

DATE: 01/12/2020 TIME: 1540	RECEIVED BY:	CONTROL#: Cal OES - 20-0213 NRC -
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1.a. PERSON NOTIFYING Cal OES:

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

Mule Creek State Prison

1.b. PERSON REPORTING SPILL (If different from above):

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

2. SUBSTANCE TYPE:

2. a. b.QTY: >=< Amount Measure c. TYPE: d. OTHER: e. PIPELINE f. VESSEL
SUBSTANCE: >= 300 Tons

1. Storm Water= 652,367 Gal(s) UNSPECIFIED No No
2. = No No
3. = No No

g. DESCRIPTION:

Caller states that 652,367 gallons of storm water was released as a result of .30" inches of rain water falling within a 24 hour period. Whenever this amount of rain falls in the area the facility released the excess water in order maintain a safe water level as an excess could overflow and interfere with the electric fence. The slide gates were opened to release water on 01/08/2012 and closed again on 01/12/2020. No environmental impacts are perceived to have been realized as an effect of this incident.

h. STOPPAGE/CONTAINMENT: INVOLVED: i. WATER j. WATERWAY: k. DRINKING WATER IMPACTED
Stopped Yes Mule Creek No

l. KNOWN IMPACT

None

3. a. INCIDENT LOCATION: 4001 Hwy 104

b. CITY: c. COUNTY: d. ZIP:
Ione Amador County 95640

AMADOR COUNTY APCD

4. INCIDENT DESCRIPTION:

a. DATE: b. TIME (Military): c. SITE: d. REPORTED CAUSE
01/08/2020 1530 Other
Description for Other : State Prison Description for Other :
Precautionary Controlled Release

e. INJURIES

No

f. FATALITY

No

g. EVACUATION

No

h. CLEANUP BY:

Unrecoverable

6. NOTIFICATION INFORMATION:

a. ON SCENE: b. OTHER ON SCENE: c. OTHER NOTIFIED:

d. ADMIN. AGENCY: Amador County
Environmental Health

e. SEC. AGENCY:

f. ADDITIONAL COUNTY:

g. ADMIN. AGENCY:

h. NOTIFICATION LIST:

DOG Unit:

i. RWQCB Unit:

5B

AA/CUPA, DTSC, RWQCB, US EPA, USFWS, DFG-OSPR, LANDS, PARKS & REC, Co/WP, Co/Hlth, Co/E-Hlth

Photo Attachment:

***** Control No: 20-0213 *****

Created by: Warning Center on: 01/12/2020 03:40:25 PM Last Modified by: Warning Center on: 01/12/2020 03:52:11 PM

Governor's Office Emergency Services

Hazardous Materials Spill Report

DATE: 01/17/2020 TIME: 1422	RECEIVED BY:	CONTROL#: Cal OES - 20-0347 NRC -
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1.a. PERSON NOTIFYING Cal OES:

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

Mule Creek State Prison

1.b. PERSON REPORTING SPILL (If different from above):

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

2. SUBSTANCE TYPE:

2. a. b.QTY:>=< Amount Measure c. TYPE: d. OTHER: e. PIPELINE f. VESSEL
SUBSTANCE: >= 300 Tons

1. Storm Water = 596,090 Gal(s) OTHER Water No No

2. = No No

3. = No No

g. DESCRIPTION:

RP advised that on 1/15/2020 at 1530 hours the outfall gates were opened releasing the Storm Water into Mule Creek 01/17/2020 1330 hours.

h. i. WATER j. WATERWAY: k. DRINKING WATER
STOPPAGE/CONTAINMENT: INVOLVED: IMPACTED

Stopped, Not contained Yes Mule Creek No

l. KNOWN IMPACT None

3. a. INCIDENT LOCATION: 4001 Hwy 104

b. CITY: c. COUNTY: d. ZIP:

Ione Amador County 95640 AMADOR COUNTY APCD

4. INCIDENT DESCRIPTION:

a. DATE: b. TIME (Military): c. SITE: d. REPORTED CAUSE

01/17/2020 1425 Waterways Other
Description for Other : Rain

e. INJURIES f. FATALITY g. EVACUATION h. CLEANUP BY:

No No No Unrecoverable

6. NOTIFICATION INFORMATION:

a. ON SCENE: b. OTHER ON SCENE: c. OTHER NOTIFIED:

d. ADMIN. AGENCY: Amador County e. SEC. AGENCY:

Environmental Health

f. ADDITIONAL COUNTY: g. ADMIN. AGENCY:

h. NOTIFICATION LIST:

DOG Unit: i. RWQCB Unit:

5B

AA/CUPA, DTSC, RWQCB, US EPA, USFWS, DFG-OSPR, LANDS, PARKS & REC, Co/WP, Co/Hlth, Co/E-Hlth

Photo Attachment:	
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***** Control No: 20-0347 *****

Created by: Warning Center on: 01/17/2020 02:22:15 PM Last Modified by: Warning Center on: 01/17/2020 02:32:09 PM

Governor's Office Emergency Services

Hazardous Materials Spill Report

DATE: 01/27/2020 TIME: 1412	RECEIVED BY:	CONTROL#: Cal OES - 20-0558 NRC -
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1.a. PERSON NOTIFYING Cal OES:

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

Mule Creek State Prison

1.b. PERSON REPORTING SPILL (If different from above):

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

2. SUBSTANCE TYPE:

2. a. b. QTY: >=< Amount Measure c. TYPE: d. OTHER: e. PIPELINE f. VESSEL
SUBSTANCE: >= 300 Tons

1. Water, storm = 599,187 Gal(s) OTHER Storm No No
water run-off

2. = No No
3. = No No

g. DESCRIPTION:

The prison discharged the listed amount of storm water from their facility to Mule Creek. The release occurred from 24 January, 2020 at 1145 hours PST to 27 January, 2020 at 0850 hours PST. The event concluded without incident.

h. i. WATER j. WATERWAY: k. DRINKING WATER
STOPPAGE/CONTAINMENT: INVOLVED: IMPACTED
Stopped, Not contained Yes Mule Creek No

l. KNOWN IMPACT Unknown

3. a. INCIDENT LOCATION: 4001 Highway 104

b. CITY: c. COUNTY: d. ZIP: AMADOR COUNTY APCD
Ione Amador County 95640

4. INCIDENT DESCRIPTION:

a. DATE: b. TIME (Military): c. SITE: d. REPORTED CAUSE
01/24/2020 1145 Other Other
Description for Other : Description for Other :

e. INJURIES f. FATALITY g. EVACUATION h. CLEANUP BY:
No No No Unknown
State prison Inclement weather

6. NOTIFICATION INFORMATION:

a. ON SCENE: b. OTHER ON SCENE: c. OTHER NOTIFIED:
None

d. ADMIN. AGENCY: Amador County
Environmental Health

e. SEC. AGENCY:

f. ADDITIONAL COUNTY:

g. ADMIN. AGENCY:

h. NOTIFICATION LIST:

DOG Unit:

i. RWQCB Unit:
5B

AA/CUPA, DTSC, RWQCB, US EPA, USFWS, DFG-OSPR, CDPH-D.O., LANDS, PARKS & REC, Co/WP, Co/Hlth, Co/E-Hlth

Photo Attachment:

***** Control No: 20-0558 *****

Created by: Warning Center on: 01/27/2020 02:12:55 PM Last Modified by: Warning Center on: 01/27/2020 02:33:57 PM

Governor's Office Emergency Services

Hazardous Materials Spill Report

DATE: 03/10/2020 TIME: 1118	RECEIVED BY:	CONTROL#: Cal OES - 20-1384 NRC -
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1.a. PERSON NOTIFYING Cal OES:

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

Mule Creek State Prison

1.b. PERSON REPORTING SPILL (If different from above):

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

2. SUBSTANCE TYPE:

2. a. b.QTY:>=< Amount Measure c. TYPE: d. OTHER: e. PIPELINE f. VESSEL
SUBSTANCE: >= 300 Tons

1. Storm Water = 121,984 Gal(s) OTHER Storm Water No No

2. = No No

3. = No No

g. DESCRIPTION:

RP advised that they opened their outfall gates in order to prevent over running of the storm water system. The storm water was released directly into Mule Creek. The gates were opened on March 6 at 1600 hours and Closed on March 8 at 1200 hours.

h. i. WATER j. WATERWAY: k. DRINKING WATER
STOPPAGE/CONTAINMENT: INVOLVED: IMPACTED

Stopped, Not contained Yes Mule Creek No

l. KNOWN IMPACT None

3. a. INCIDENT LOCATION: 4001 Hwy 104

b. CITY: c. COUNTY: d. ZIP:

Ione Amador County 95640 AMADOR COUNTY APCD

4. INCIDENT DESCRIPTION:

a. DATE: b. TIME (Military): c. SITE: d. REPORTED CAUSE
03/10/2020 1118 Waterways Other
Description for Other : Storm Water

e. INJURIES f. FATALITY g. EVACUATION h. CLEANUP BY:
No No No Unrecoverable

6. NOTIFICATION INFORMATION:

a. ON SCENE: b. OTHER ON SCENE: c. OTHER NOTIFIED:

d. ADMIN. AGENCY: Amador County e. SEC. AGENCY:

Environmental Health

f. ADDITIONAL COUNTY: g. ADMIN. AGENCY:

h. NOTIFICATION LIST:

DOG Unit: i. RWQCB Unit:
5B

AA/CUPA, DTSC, RWQCB, US EPA, USFWS, DFG-OSPR, LANDS, PARKS & REC, Co/Hlth, Co/E-Hlth

Photo Attachment:	
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***** Control No: 20-1384 *****

Created by: Warning Center on: 03/10/2020 11:18:32 AM Last Modified by: Warning Center on: 03/10/2020 11:30:34 AM

Governor's Office Emergency Services

Hazardous Materials Spill Report

DATE: 03/18/2020 TIME: 1332	RECEIVED BY:	CONTROL#: Cal OES - 20-1562 NRC -
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1.a. PERSON NOTIFYING Cal OES:

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

Mule Creek State Prison,

1.b. PERSON REPORTING SPILL (If different from above):

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

2. SUBSTANCE TYPE:

2. a. SUBSTANCE:	b. QTY: >=< Amount	Measure	c. TYPE:	d. OTHER:	e. PIPELINE	f. VESSEL >= 300 Tons
1. STORM WATER	= 5,491,248	Gal(s)	OTHER	STORM WATER	No	No
2.	=				No	No
3.	=				No	No

g. DESCRIPTION:

RP advised that they opened their outfall gates in order to prevent over running of the storm water system. The storm water was released directly into Mule Creek. The gates were opened on March 13 at 1030 hours and Closed on March 18 at 1200 hours

h. STOPPAGE/CONTAINMENT: INVOLVED: Stopped, Not contained
i. WATER: Yes
j. WATERWAY: Mule Creek
k. DRINKING WATER IMPACTED: No

l. KNOWN IMPACT: None

3. a. INCIDENT LOCATION: 4001 Hwy 104

b. CITY: Ione
c. COUNTY: Amador County
d. ZIP: 95640

AMADOR COUNTY APCD

4. INCIDENT DESCRIPTION:

a. DATE: 03/18/2020
b. TIME (Military): 1330
c. SITE: Waterways
d. REPORTED CAUSE: Other
Description for Other : STORM WATER

e. INJURIES

No

f. FATALITY

No

g. EVACUATION

No

h. CLEANUP BY:

Unrecoverable

6. NOTIFICATION INFORMATION:

a. ON SCENE: b. OTHER ON SCENE: c. OTHER NOTIFIED:

d. ADMIN. AGENCY: Amador County
Environmental Health

e. SEC. AGENCY:

f. ADDITIONAL COUNTY:

g. ADMIN. AGENCY:

h. NOTIFICATION LIST:

DOG Unit:

i. RWQCB Unit:

5B

AA/CUPA, DTSC, RWQCB, US EPA, USFWS, DFG-OSPR, LANDS, PARKS & REC, Co/Hlth, Co/E-Hlth

Photo Attachment:	
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***** Control No: 20-1562 *****

Created by: Warning Center on: 03/18/2020 01:32:16 PM Last Modified by: Warning Center on: 03/18/2020 01:43:17 PM

Governor's Office Emergency Services

Hazardous Materials Spill Report

DATE: 04/09/2020 TIME: 1059	RECEIVED BY:	CONTROL#: Cal OES - 20-1954 NRC -
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1.a. PERSON NOTIFYING Cal OES:

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

Mule Creek State Prison

1.b. PERSON REPORTING SPILL (If different from above):

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

2. SUBSTANCE TYPE:

2. a. SUBSTANCE:	b. QTY: >=< Amount	Measure	c. TYPE:	d. OTHER:	e. PIPELINE	f. VESSEL >= 300 Tons
1. STORM WATER	= 3,992,170	Gal(s)	OTHER	STORM WATER	No	No
2.	=				No	No
3.	=				No	No

g. DESCRIPTION:

RP advised that they opened their outfall gates in order to prevent over running of the storm water system. The storm water in the amount of 3,992,170 gallons was released directly into Mule Creek. The gates were opened on April 04 at 1130 hours and closed on April 07 at 1100 hours

h. STOPPAGE/CONTAINMENT: INVOLVED:	i. WATER	j. WATERWAY:	k. DRINKING WATER IMPACTED
Stopped, Not contained	Yes	Mule Creek	No

I. KNOWN IMPACT

3. a. INCIDENT LOCATION: 4001 Hwy 104

b. CITY: Ione	c. COUNTY: Amador County	d. ZIP: 95640	AMADOR COUNTY APCD
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4. INCIDENT DESCRIPTION:

a. DATE: 04/04/2020	b. TIME (Military): 1130	c. SITE: Waterways	d. REPORTED CAUSE: Other
			Description for Other : STORM WATER
e. INJURIES: No	f. FATALITY: No	g. EVACUATION: No	h. CLEANUP BY: Unrecoverable

6. NOTIFICATION INFORMATION:

a. ON SCENE:	b. OTHER ON SCENE:	c. OTHER NOTIFIED:
d. ADMIN. AGENCY: Amador County Environmental Health	e. SEC. AGENCY:	
f. ADDITIONAL COUNTY:	g. ADMIN. AGENCY:	
h. NOTIFICATION LIST:		
DOG Unit:	i. RWQCB Unit: 5B	

AA/CUPA, DTSC, RWQCB, US EPA, USFWS, DFG-OSPR, LANDS, PARKS & REC, Co/Hlth, Co/E-Hlth

Photo Attachment:	
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***** Control No: 20-1954 *****

Created by: Warning Center on: 04/09/2020 10:59:59 AM Last Modified by: Warning Center on: 04/09/2020 11:11:18 AM

Governor's Office Emergency Services

Hazardous Materials Spill Report

DATE: 05/20/2020 TIME: 1414	RECEIVED BY:	CONTROL#: Cal OES - 20-2694 NRC -
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1.a. PERSON NOTIFYING Cal OES:

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

Mule Creek State Prison

1.b. PERSON REPORTING SPILL (If different from above):

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

2. SUBSTANCE TYPE:

2. a. b.QTY:>=< Amount Measure c. TYPE: d. OTHER: e. PIPELINE f. VESSEL
SUBSTANCE: >= 300 Tons

1. Water, storm = 1,256,986 Gal(s) OTHER Rain water No No

2. = No No

3. = No No

g. DESCRIPTION:

In order to prevent flooding during the recent inclement weather, staff members opened the prison's storm water gates. This action allowed an estimated 1.25 million gallons of storm water to flow from the facility's storm water collection system and into Mule Creek. The action took place over a three day period and has since been stopped. No follow-up action is expected.

h. i. WATER j. WATERWAY: k. DRINKING WATER
STOPPAGE/CONTAINMENT: INVOLVED: IMPACTED

Stopped, Not contained

Yes

Mule Creek

No

I. KNOWN IMPACT

Unknown

3. a. INCIDENT LOCATION: 1004 Highway 104

b. CITY: c. COUNTY: d. ZIP:

Ione Amador County 95640 AMADOR COUNTY APCD

4. INCIDENT DESCRIPTION:

a. DATE: b. TIME (Military): c. SITE: d. REPORTED CAUSE
05/17/2020 1900 Other Other

Description for Other : Description for Other :

State prison

Inclement weather

e. INJURIES

No

f. FATALITY

No

g. EVACUATION

No

h. CLEANUP BY:

None

6. NOTIFICATION INFORMATION:

a. ON SCENE: b. OTHER ON SCENE: c. OTHER NOTIFIED:
None

d. ADMIN. AGENCY: Amador County

e. SEC. AGENCY:

Environmental Health

f. ADDITIONAL COUNTY:

g. ADMIN. AGENCY:

h. NOTIFICATION LIST:

DOG Unit:

i. RWQCB Unit:

5B

AA/CUPA, DTSC, RWQCB, US EPA, USFWS, DFG-OSPR, LANDS, PARKS & REC, Co/WP, Co/Hlth, Co/E-Hlth

Photo Attachment:

***** Control No: 20-2694 *****

Created by: Warning Center on: 05/20/2020 02:14:24 PM Last Modified by: Warning Center on: 05/20/2020 02:59:23 PM

Governor's Office Emergency Services

Hazardous Materials Spill Report

DATE: 08/11/2020 TIME: 1258	RECEIVED BY:	CONTROL#: Cal OES - 20-4297 NRC -
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1.a. PERSON NOTIFYING Cal OES:

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

Mule Creek State Prison

1.b. PERSON REPORTING SPILL (If different from above):

1. NAME: 2. AGENCY: 3. PHONE#: 4. Ext: 5. PAG/CELL:

2. SUBSTANCE TYPE:

2. a. b.QTY:>=< Amount Measure c. TYPE: d. OTHER: e. PIPELINE f. VESSEL
SUBSTANCE: >= 300 Tons

1. Sewage = 42,227,000 Gal(s) SEWAGE No No

2. = No No

3. = No No

g. DESCRIPTION:

Per caller: A valve failed at the MCIC lift station causing overflow, stopped 1130 hours. Sewage spilled into a dry seasonal creek, has been stopped and contained.

h. STOPPAGE/CONTAINMENT: INVOLVED:
Stopped, Contained

i. WATER

Yes

j. WATERWAY:

Mule Creek, Seasonal
Dry Creek

k. DRINKING WATER IMPACTED

No

1. KNOWN IMPACT

None

3. a. INCIDENT LOCATION: 4001 HWY 104

b. CITY:

Ione

c. COUNTY:

Amador County

d. ZIP:

95640

AMADOR COUNTY APCD

4. INCIDENT DESCRIPTION:

a. DATE:

08/10/2020

b. TIME (Military):

1900

c. SITE:

Other

d. REPORTED CAUSE

Mechanical

Description for Other :

Prison

e. INJURIES

No

f. FATALITY

No

g. EVACUATION

No

h. CLEANUP BY:

Reporting Party

6. NOTIFICATION INFORMATION:

a. ON SCENE:

b. OTHER ON SCENE:

c. OTHER NOTIFIED:

d. ADMIN. AGENCY: Amador County

e. SEC. AGENCY:

Environmental Health

f. ADDITIONAL COUNTY:

g. ADMIN. AGENCY:

h. NOTIFICATION LIST:

Cal GEM:

i. RWQCB Unit:

5B

AA/CUPA, DTSC, RWQCB, US EPA, USFWS, DFG-OSPR, LANDS, PARKS & REC, Co/WP, Co/Hlth, Co/E-Hlth

Photo Attachment:	
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***** Control No: 20-4297 *****

Created by: Warning Center on: 08/11/2020 12:58:55 PM Last Modified by: Warning Center on: 08/11/2020 01:40:49 PM

[PrevDoc](#) [NextDoc](#)

Governor's Office of Emergency Services Hazardous Material Spill Update

CONTROL#: 20-4297 NRC#

NOTIFY DATE/TIME: 08/11/2020 / 1258	RECEIVED BY: OCCURENCE DATE/TIME: 08/10/2020/1900	CITY/OP. AREA: Ione/Amador County AMADOR COUNTY APCD
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1.a. PERSON NOTIFYING Cal OES:

AGENCY: Mule Creek State Prison	
--	--

1.b. PERSON REPORTING SPILL (If different from above):

AGENCY:	
----------------	--

SUBSTANCE TYPE:

a. SUBSTANCE:	b. QTY: <i>Measure</i> <i>Amount</i>	c. TYPE:	d. OTHER:	e. PIPELINE	f. VESSEL >= 300 Tons
1. Sewage	42,227,000 Gal(s)	SEWAGE		No	No
2.				No	No
3.				No	No

Original Description: Per caller: A valve failed at the MCIC lift station causing overflow, stopped 1130 hours. Sewage spilled into a dry seasonal creek, has been stopped and contained.

PERSON NOTIFYING Cal OES OF SPILL UPDATE:

NAME:	AGENCY:	PHONE#:	Ext:	PAG/CELL:
	Mule Creek State Prison			

UPDATE QUANTITY *Measure*
Amount

1. 42,227	Gal(s)
2.	
3.	
4.	

UPDATE KNOWN IMPACT:	
UPDATE CAUSE:	

SITUATION UPDATE:

RP states the amount was incorrectly recorded previously, the actual amount released was 42,227.

FAX NOTIFICATION LIST:

AA/CUPA, DTSC, RWQCB, US EPA, USFWS, DFG-OSPR, LANDS, PARKS & REC, Co/WP, Co/Hlth, Co/E-Hlth

ADMINISTERING AGENCY: Amador County Environmental Health

SECONDARY AGENCY:
ADDITIONAL COUNTIES:
ADDITIONAL ADMIN. AGENCY:
OTHER NOTIFIED:

RWQCB Unit: 5B

Cal GEM:
CONFIRMATION REQUEST:
FAX NOTIFICATION
LIST:
ADMINISTERING
AGENCY:
ADDITIONAL ADMIN.
AGENCY:

ADDITIONAL

COUNTIES:

Cal GEM:

RWQCB Unit:

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***** End of Form *****